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# ESSAYS.

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BY  
FATHER FITZ-EUSTACE,  
A MENDICANT FRIAR.

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"The truth is, I can expect happiness from posterity either way. If I write ill, happy in being forgotten; if well, happy in being remembered with respect."—GOLDSMITH'S *Essays*.

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## PREFACE.

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BEGGING has now become so thriving a trade with a large number of the community, that in every street throughout this immense metropolis passengers have their path obstructed by sturdy beggars, who obstinately follow, doling out a lengthened narrative of calamities which never befell them, and endeavouring to excite not only the commiseration but the charity of their fellow-creatures. I know not whether it will redound to my credit, to confess myself a member of the mendicant class; but as the confession is made with candour, I earnestly hope that the penalties usually inflicted on mendicity and vagrancy will not be awarded to my shoulders. One of those lucky contingencies, which sometimes occur, and by which the monastery of Mount

Benger, of which the worthy brothers Sholto and Reuben Percy are valuable members, has been preserved, — has continued the existence of our order. Although bred a Mendicant Friar, nevertheless I have witnessed several changes in life: sometimes fortune has smiled upon me — then I have mingled with the higher circles of fashion; — but then her frown has again brought me to my own proper level. Every change, however, has been borne by me without effecting any material alteration in my temper or conduct. I have not been elevated by prosperity, nor depressed by adversity; and have journeyed through life with a relish for every pleasure which Providence might think proper to grant for my enjoyment.

The contents of this book have been written at various places, and at different times; and with diffidence I offer it for the perusal of the public.

The critics are a sad race. As I cannot flatter myself with the idea that the contents of this volume are worthy their atten-

tion and praise, I cannot expect much favour at their hands; but I earnestly hope the public will be lenient. The critics are bound by their vow ever strictly to adhere to the standard of truth; the public are held by no such ties.

When a man enters into the matrimonial state, he must expect his intimate friends to pass judgment upon the object of his choice. “Prithee, Jack,” one will perhaps exclaim, “what could have induced thee to have married a wench with such a large mouth?”—“Ay,” answers the husband, “but have you examined her beautiful teeth?”—“But then her ill-shaped arm”—“But then her pretty hand.”—“Her nose is too long”—“Her eyes are killing.”—“Her foot is too large”—“Her ancle is prettily turned.” Thus there appears to be, a mixture of good and bad. Those very objects, however, which seem so objectionable to one person, may please the taste of another; and thus certain parts may meet the ideas and wishes of every individual,—“chacun à son gout.”

I wish the cases of this volume and poor Jack's wife could be at all assimilated. But though my vanity will not permit me to aspire to please the old, I hope the volume may not be found altogether useless by the young; to whom if it shall impart one moment of amusement,—not to mention the slightest degree of information,—the labours of the Mendicant Friar will not have been in vain.

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# ESSAYS,

ETC. ETC.

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## WRITERS.

“ If Madame De Sevigné wrote some letters when she was half asleep,—if Dr. Johnson took the pains of setting down what occurred to him before he was breeched,—this age is sure to have the benefit of seeing their valuable works on hot-pressed paper : all that good writers threw by as imperfect,—all that they wished to be concealed from the world,—is now edited in volumes twice as magnificent as their chief works.”

*Sketches of Life and Character.*

SUCH is, indeed, the case ! The noble author above quoted very judiciously observes, “ That the appetite for remains of all kinds has certainly increased of late to a most surprising extent ; every thing which belongs to a great man is eagerly hunted out, and constantly published.” The press has of late years teemed with such productions, which have been purchased at enormous sums, and emitted abroad, arrayed in all the charms of elegant type and beautiful paper. Their entrance into the world has been, moreover, on every occasion, duly trumpeted

forth; and some scores of puffs, in every shape, as described in *The Critic*, have made their appearance in the public journals, as the running footmen, in former times, went before to give timely notice of the arrival of their lord and master. Now, for what reason have those works been so long neglected? What should have induced the writers to have thrown them aside, especially when the vanity of authors is put into the scale? Why should they have been so long concealed? Surely, because they were supposed unworthy of the public notice, as being of too trifling a nature. Is the present age, then, to play the jackall in waiting to the lordly lion of the last; and to receive, and be thankful for, the offals and refuse which his majesty was too dainty to devour? I think it is hardly fair, especially as it is confessed on all hands, that the present generation far excels any that have gone before\*. But it may be said, that every thing written by men of acknowledged talent *must* be good and worthy of perusal, and they have hitherto been neglected through ignorance or inadvertency. To this I would answer: Are those men so much superior to their fellow-creatures as to be free from the

\* This observation will of course be taken in its *truly* qualified sense.

imperfections of human nature? Did their mental powers never relax — did their strength of judgment never vacillate? Let them remember the old phrase, “*Nemo mortalium omnibus horis sapit;*” or listen to what our friend Horace says, in his ‘*Arte Poetica.*’

“*Sunt delicta tamen* —————

*Nam neque chorda sonum reddit, quem vult manus  
et mens;*

*Poscentique gravem persæpe remittit acutum;  
Nec semper feriet quodcunque minabitur arcus.*

“*Yet there are faults* —————

*For oft the string th’ intended sound refuse;  
In vain his tuneful hand the master tries,  
He asks a flat, and hears a sharp arise;  
Nor always will the bow, though form’d for art,  
With speed unerring wing the threat’ning dart.”*

Independently of what I have before stated, it cannot surely be supposed, that the posthumous works of any author can be as good or as beautiful as their other productions. No editor can enter into a writer’s sentiments, or discover his wishes. There might be passages which the latter, had he lived to perform the task, would have obliterated, — parts which he might wish to have suppressed, — others which he might have enlarged, — gaps which he certainly would have filled up, having first maturely considered, and

gained further information upon each particular point. But notwithstanding all these imperfections, and the general inadequacy of posthumous works, they are given forth for the perusal of the world with the boldest effrontery.

Pass we on from this subject to the consideration of two or three other points, which naturally excite the attention of a young writer, like myself, making his first appearance before the public.

Much depends upon a first production, which, if it tallies with the humour or strikes the fancy of the public, is sure of success. Nor on every occasion is it real intrinsic merit which will effect this; but oftentimes a random hit,—an adventitious expression,—or even the glare of a noble name may so dazzle the eyes, and astound the understanding, as to render the one incapable of discriminating, and the other of forming an opinion. But, when once the reputation is established,—when once the fame is blazoned abroad,—then may the author sleep in tranquil security. Nothing will give him disturbance,—nothing will create annoyance;—but all his works, however inconsiderable, however mean, however trifling, are invariably perused with the deepest attention, and their contents devoured with the most insatiable avidity.

Unfortunately the *cacoethes scribendi* is abroad:

the disease is now raging in every quarter with all the virulence of the scarlet or typhus fever. The age is nearly overwhelmed with an inundation of books. The number of our authors equal those of the French, when the trade of authorship among that people was most brisk and flourishing; and even outvie the multitudinous class of the Spanish, Swedish, or Russian nobility. But, what is more alarming, the number does not remain stationary and fixed; but has been increasing, and is increasing, daily and hourly; and Heaven only knows, where, or when, the evil will spend its violence, and exhaust its fury.

Every one now-a-days, who has read a few books, and is able to scrawl with a pen, assumes the character of an author; and with earnest and never failing assiduity commences composition. Without any pretensions to their assumed parts; — without abilities, — without even grammatical knowledge, — writers give to the world their thick octavos, and goodly quartos, which they have compiled — (*compiled*, quoth I?—verily I was oblivious!—*lapsus non linguæ, sed memoriæ*!) — composed — I should have said \*. No plagiarists

\* These intelligent writers remind me of the conceited French member of parliament, mentioned by Lord Bolingbroke, who was overheard, after his tedious harangue, muttering most devoutly to himself, “Non nobis, Domine, non nobis, sed nomini tuo da gloriam.”

these! but each and every possessing fertile sources of their own; like Golconda's diamond mines, replete with precious treasure—or like a noble river, holding its onward course, and unwilling that the muddy waters of any tributaries should mingle and pollute its crystal stream. These *literati*, or *cognoscenti*, are confident that the world must of necessity improve from the study of their works, the result of their labours,—over which they have wasted the midnight oil,—for which their brains have suffered all the throes of child-birth—their heads received many a scratch—and their nails many a bite, yea, even to the very quick!

Sæpe caput scaberet, vivos et roderet ungues.

They are probably acquainted with the adage, “*Litteræ ornamenta hominum sunt et solatia;*” and hence they determine to add their mite to the general heap. Perhaps, too, they may have transferred the following quotation to their own case: “*Hæc studia adolescentiam alunt; senectutem oblectant; secundas res ornant; adversis perfugium ac solatium præbent; delectant domi; non impediunt foris; pernoctant nobiscum; peregrinantur; rusticantur.*” Peregrinantur; scilicet ———, who has lately favoured us with ———; rusticantur; scilicet ———, ycleped the Cockney Poet, who resides in retirement at ———, *far*

from the busy scenes of the metropolis: nor need he exclaim, like the drudging Grub Street poetaster, "*Oh rus! quando te aspiciam?*"

But the method adopted by many persons of acquiring knowledge and information, is very short, easy, and simple. Sensible that it would occupy every moment of a man's life to peruse attentively, and digest effectually, the numerous productions of the fruitful press, they have discovered a very prudent plan, whereby they may acquire the reputation of deep readers, and elegant scholars; that is, by learning the titles of books, and, as is usual with respect to noblemen, to boast an intimate acquaintance with them: or, if they particularly desire to evince the profundity of their reading, they get an insight into the index, and then the mighty task is completed! But sometimes the devil's hoof will appear, notwithstanding every effort at concealment; for when these gentry are closely pressed, as to the substance of their knowledge, they will talk of Henry the Fourth of France being contemporary with Henry the Fowler of Germany,—the siege of Belgrade by the French,—the conquest of England by Charlemagne,—and a thousand ridiculous inconsistencies.

Under all the foregoing circumstances, consider the difficulties attendant on the first appear-

ance of a writer. Worse,—ten thousand times worse,—than the first appearance of a performer on the stage: for there the numbers are confined; and the class of the dissatisfied, even if every individual were to evince disapprobation, must of necessity be limited; but in the other case, a writer has to combat against the opinions of a whole nation of critics; for almost every apprentice sets himself up for a judge, and, although even ignorant of the commonest rules of composition, passes sentence with the coolness and deliberation of a judge sitting in judgment. And, unfortunately, they imagine that the test of their abilities consists in their skill in discovering errors and blunders: so it may easily be imagined, how an author fares among such a set of ruffians; who, to speak figuratively, not only rob him of his money, but even take his clothes, and leave the poor wretch in a state of pristine nudity. It reminds me of the common story of the painter, who, wishing to be guided according to the superior judgment of the public, exposed his picture, with an underwritten request, that every individual would mark whatever errors he might discover in the performance. Alas! how was he deluded in his expectations!—for each person, glad of an opportunity of evincing his taste, had scrupulously complied with the painter's desire:

and when the poor artist came to see the proof of public approbation, he beheld to his grief, in every part of his picture, the mark of censure affixed !

But then the reviews,—the magazines,—the literary journals,—the critics,—the lords of fame and reputation, and celebrity—who, with the mere stroke of the pen, can give a name to live through ages ‘in the womb of time ;’ or can damn the poor unhappy wight who has lucklessly excited their indignation, and blast his fondest hopes—they—they assuredly are to be conciliated. There, indeed, lies the fearful Rubicon,—and it must be passed ! But what can I,—unknown,—unbefriended,—do in this dire extremity ? Which way shall I turn, or to whom appeal ? That, indeed, is a question which only adds to my despair ! They, indeed, are considered the test,—the touchstone,—similar to the play in *Hamlet*, which was to discover the guilt or innocence of the king of Denmark. Gentlemen, (for who can doubt your gentility ?) have mercy upon me ! I never gave you cause for offence,—I never offered you an insult or affront ; but have ever listened to your decisions with reverence. I cry your mercy,—grant me your pity,—afford me your support,—have some regard to the miseries attendant on a first appearance,—lau-

date et plaudite, — give me your approbation, — or, if that be impossible — if it be incompatible with your usual observance of candour — at least inflict your castigation with a sparing hand ; — and, if you cannot assist, do not load an oppressed and sinking wretch.

ON  
THE FORMATION  
OF  
POLITICAL SOCIETY.

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"And, to descend from the greatest operations to the smallest, when a workman forms a clock, or other piece of mechanism, he establishes at his own pleasure certain arbitrary laws for its direction; as that the hand shall describe a given space in a given time; to which law as long as the work conforms, so long it continues in perfection, and answers the end of its formation."— *Blackstone*.

THE helplessness of man must have been so apparent to himself when in his savage state, as to have rendered a solitary life but of short continuance. Association of families was, therefore, quickly effected. If society, however, is to be understood as having for its basis the unanimous concurrence of the community, that basis must have been established by general concord. This concord, in order to effectuate its own preservation, of necessity gave rise to certain covenants or provisos, from which the necessary conditions or regulations, and restrictive laws incidental to society, immediately originated.

Reason, and the discriminating sense of right and wrong, must have quickly convinced every individual of the absolute necessity of carefully observing the above regulations and conditions, without which no improvement could have been effected in the state of society. These conditions, in their nature most plain and simple, were not at first expressed or set forth, but only tacitly understood; and when use had evinced their practical utility, they were handed down to posterity by oral tradition. These rules are termed by lawyers, "*leges non scriptæ*;" meaning that, their authority not having been explained in books, the nature of their binding power is alone understood by immemorial usage, and the universality of their reception; or, as Aulus Gellius expresses it, "*tacito et illiterato hominum consensu et moribus expressum.*" This species of law, besides its prevalence in Lycia, India, and other countries, influenced the conduct of the Druids and primitive British and Continental Saxons: and this the observation of Cæsar amply proves, "*Leges solâ memoriâ et usu retinebant.*"

The first laws, however, not being fixed on any given or sure standard, were too vacillating in their nature to be productive of permanent advantages. Their definitions were indistinct, and their prohibitions incomprehensive: besides,

every individual member of the community had not arrived at the self-same mark of maturity of reason ; but was subject to caprices, swayed by passions, or blinded by prejudice. And, as during that period every man was his own judge and avenger, the evils originating from these sources may be easily imagined. A sense of weakness, resulting from wants and fears, congregated individuals into society : accordingly, after the period of their formation into communities, finding the tacit laws and traditionary customs too weak to restrain the licentiousness of the age, they endeavoured to discover the most effectual remedy for the prevention of those evils, and that misery, to which they found themselves exposed. Hence originated that cement of civil society which has been denominated the original contract ; and which inculcates the necessity of the whole defending every part, and every part yielding obedience to the whole. Hence, also, originated that voluntary establishment of inequality, which has given birth to the different forms of government which have prevailed on the face of the earth.

The first form of government recorded in history, is the monarchical. This is certainly the plainest, the simplest, and most easily understood. It was immediately derived from patri-

archal authority, and is well known to have been the primitive mode of government in every country.

Monarchy was originally elective; but the custom could not be of long continuance, in consequence of not only the inconveniences, but the misery resulting from elections; somewhat similar to the excesses committed by the newly succeeding emperors of the Mogul empire, accounts of which are extant even later than the reign of Aurenzebe\*, and the evils consequent upon the elections of the Roman emperors. Crowns, therefore, with very few exceptions, became very early hereditary.

The object of society in establishing a pre-eminent authority, was to remedy the insufficiencies of natural law, and the inconveniences of primitive regulations; but its preservation was utterly impossible without the existence of a subordination of ranks, and an implicit obedience to the edicts of the monarch. It may, therefore, reasonably excite the curiosity of those beginning to investigate such matters with a philosophic eye, whence proceeds the obedience of the many to

\* The circumstance of successors endeavouring to murder their brothers and kinsfolks, in order to enjoy an undisturbed and undisputed title to the succession, was prevalent even among the Scottish chieftains, and has been adverted to in the Essay on James.

the will and pleasure of the few? — especially as the natural strength of man lies only in the firmness of his limbs, and the unblenching nature of his courage; and that, with these assistants simply, it were an absurdity to cherish the supposition that he could have brought multitudes under subjugation to his power. Hence are they led to imagine, that the original contract before mentioned must embrace a wider space; and that, as all men were born equal with regard to physical strength, the voluntary acquiescence of the people alone must have effected their congregation. No man, therefore, is bound to deliver the freedom which he inherits from nature into the hands of any master, without a certain gain equivalent to the loss sustained; and hence arises the tacit promise and agreement between the ruler and the ruled. Of this philosophical system, which *primâ facie* appears so plausible, it would be no difficult matter to prove the establishment on fallacious principles; — not to oppose theory by theory, (for it were just as easy to build them in favour of one party as another :) the reasoning is easily confuted by fact.

Upon many subjects conclusions from public opinion may be with propriety deemed incorrect and inconclusive; but with regard to this, it is the surest standard whereby to arrive at a correct decision. It matters not what one or two nice

reasoners may say, who endeavour to convince by hypothetical arguments; but what the aggregate body affirm. Hereditary successions took early effect among the most ancient nations. Of this the Babylonians and Assyrians, the Persians and Chinese, the Indians, Arabians, and Egyptians, the Greeks, and various others, afford ample proof. The Romans, indeed, are a solitary exception. But, in all those countries, not a syllable was said respecting the promise and contract. Indeed, the only proof which we have of such an idea being entertained by the ancients, is afforded by Plato, and has reference to Socrates. He certainly refused to effect his escape from prison when an opportunity was presented to him by the gaoler, merely upon the plea that he would ever abide by the decision of that law which he had vowed to observe. Whether the right of the sovereignty has been acquired by conquest or succession, the title of the monarch has not been denied by the subject. Thus was it with Augustus and his successors,—with Alexander and Tamerlane. Conquerors have altogether disregarded the idea of a contract, and have always scrupulously asserted their monarchical rights and privileges; and, although the people may suffer these exactions with reluctance, nevertheless time would soon bestow authority on what was originally obtained by violence. Princes have, upon

every occasion, claimed their subjects as their property. Thus did Elizabeth treat her subjects\*. Neither Henry IV. nor Henry VII. had any well-founded pretensions to the English throne, except a parliamentary election; and yet they were both extremely jealous of acknowledging the origin of their tenure, naturally apprehending the deterioration of authority as the consequence of such an impolitic measure. Numberless examples of this description might be easily adduced, if space permitted their introduction.

But, even for one moment to allow the justice of the above arguments in favour of the original contract, the maintainers of that opinion would quickly witness the evils flowing from such an allowance. The desired object in congregating, was to ensure comfort, peace, and security, to the community. Supposing, then, that there was an agreement between the ruler and the ruled; the multiplicity of tastes—the dissonance of opinions—the difference in tempers, habits, and passions, would render it but of short duration.

\* Sir Charles Blount, afterwards Lord Mountjoy, having gone to France without the Queen's permission, she immediately recalled him, and told him 'to serve her so once again, and she would quickly lay him fast for running.' From this may be inferred the restraint which she usually imposed upon the actions of her subjects. — WINSTANLEY'S *Worthies*.

If justice so regulated the actions of men, that one would never infringe upon the rights of another, then every thing would proceed in the desired channel, and we should behold the glories of the Utopian government; but selfishness, which is the predominating quality in the mind of man, always counteracts the operations of justice. We are convinced of the excellence of the latter, and yet yield obedience to the dictates of the former, "*video meliora proboque; deteriora sequor*:" the world cannot be governed merely by purity of intention and strength of argument. Something further than the conviction of the understanding is required; the subjugation of the heart, and the conviction of the passions. Witness the numberless actions pending in our courts of law. Is it reasonable to suppose that every member composing that immense body of suitors, which are continually thronging Westminster-hall, proceed there under an idea that they are maintaining a right and just cause. It were folly to do so. Some certainly are entangled in law-suits from ignorance — some from folly — some from obstinacy, — and some from selfishness. The case would be precisely the same in the political world. The certain consequence would be, that discordance would quickly prevail, and society revert to its pristine anarchy and confusion.

It were in vain to consider virtue and good.

morals resulting from the refinements of philosophy: the theory would be raised on a false foundation. They are the consequences of wise laws and sound regulations; for surely philosophy itself owes its origin to these, since it is derived from the operations of education; and, without order in society, education could never be. The meed of praise and honour, then, is certainly due to legislators, whose care has extended to the promotion of the happiness of mankind. From honour, then, springs respect,—from respect, veneration,—from veneration, authority. Thus has the mind been gradually led from one step to another,—even to the full acknowledgement of monarchy. Hence, after the acquisition of the title, and not till then, comes the recognition. This the Comte De Boulainvilliers has ably maintained in his Treatise, wherein he demonstrates the impossibility of an original contract subsisting between the monarch and the French people.

Several other arguments could be brought in my favour, but I will only mention one or two more. First, Interest upholds monarchy. This interest is of two kinds,—private interest, and public interest. By private interest, I mean the expectation of receiving rewards and favours. The king is the source of all honour and power, and as his means are adequate to the most munificent supplies, multitudes will be always courting

his smiles, and soliciting his grace : some he will notice above others, and hence will arise affection. By public interest, I wish to signify our own ideas of the government with respect to its excellency above all others. There is a charm in antiquity. When we, therefore, see a government which has been matured and brought to perfection by our ancestors, — when we hear that they fought for it, and shed their blood to effectuate its preservation, we are willing to attribute to it excellence above every other. The next argument is the idea of right ; that is, the right which the sovereign inherits by birth and accession, and the prerogatives annexed to the sovereignty. Then comes the influence of property. Harrington in his writings endeavoured to establish the principle, that the balance of power was dependent on the balance of property. If I am not mistaken, this opinion has had its advocates since the time of Harrington ; but the very circumstance which occurred immediately after the publication of his work, was a convincing proof of the rottenness of the foundation on which his theory and arguments were constructed. I allude to the re-establishment of monarchy ; but, independently of positive proof, it can be refuted by counter-arguments. Although the individual property of the king be considerably less than the aggregate property of his

subjects, nevertheless the force of the latter will be weakened by dispersion; while the former will be strengthened by concentration. Lastly, the influence of fear. If the last observation be admitted, the power of the sovereign will at all times have predominating influence. As he is the source of honour, so is he of justice; and if he is willing to reward the fidelity of his servants and subjects, he is ever ready to award to crime an adequate punishment. Thus, then, there will always be a check upon the passions of the ill-disposed, which becomes materially stronger by the co-operation of the favourably inclined.

The object of society, in establishing a supreme legislative power, being to rectify those abuses to which it had theretofore been subjected, laws immediately originated. These laws have been termed positive laws, because their design and tendency are obvious and direct. They were sufficiently powerful to embrace the general interests of society, and to prevent the commission of wrongs. Wrongs are of two kinds — public and private. The former are violations of the rights of society; the latter, of individuals comprising that society. Positive laws are also of two kinds — primary and secondary: primary positive laws are applicable generally to every branch of society, as right to property; and those regulations

comprising the penal code. Some writers have maintained that the establishment of marriage and public worship commenced with society, and thence originated all laws; as they were the grand instruments in bringing it into a state of subordination. In this opinion I cannot concur. They are not absolutely necessary for the formation of society, although they may be for its preservation; and, as society at its commencement has existed without an adherence to either, we may thence consider them as having been the immediate consequence, not the prime source of laws. Secondary positive laws were not established until society had made some slight progress, and effected some improvement: these have reference to agriculture and commerce, and have thence received the appellation of Civil\* laws. The annals of every country attest the truth of the above assertion, and that immediately upon the establishment of agriculture, and commencement of commerce, legislators were very anxious to place these laws upon the surest foundation. For such like services the Egyptians extol their great Osiris; and the Greeks the goddess Ceres; the Aborigines of Italy, their first monarch Saturn; and the inhabitants of ancient Spain, their sove-

\* Justinian thus defines the civil law, "*Quod quisque populus ipse sibi jus constituit, id ipsius proprium civitatis est, vocaturque jus civile quasi jus proprium ipsius civitatis.*"

reign Habis; the Chinese honour the name of Yao; and the Peruvians, Manco Capac.

The law of nature, which is the foundation of all human regulations, may be said to be intuitive in the mind of man: it can be brought to this most simple and plain definition, "*Honestè vivere; alterum non lædere; suum cuique tribuere.*" The exercise of reason, indeed, has no share in the discovery of these principles, but only in their proper application: their knowledge cannot be acquired by metaphysical arguments, or mathematical disquisitions. If man's reason were unerring, then their attainment would certainly be no difficult matter; but in consequence of its liability to error, notwithstanding the most subtle ingenuity in investigation, the conclusions formed would be most discordant and unsatisfactory. The first position of Ethics is, that man should pursue his own welfare and happiness. The great actuating principle which induces him to promote his felicity, is self-love. This desired point, however, cannot be attained without following a right line of conduct, by implicitly observing those regulations which the joint concurrence of society has established for self-preservation; thereby lending his assistance towards forwarding the general interests of the community, and receiving in return safety and protection. Hence he is obliged to give a strict

adherence to justice. Between justice and human felicity, however, there is a secret and intimate connexion, and thus is the original object in congregating carried into effect.

It has been considered as a highly politic measure in the exercise of the legislative science, to frame laws in their nature vindictory, and not remuneratory. And this for obvious reasons. First, because the uninterrupted enjoyment of our rights and privileges, as members of the community, is of itself a sufficiently powerful inducement to render us strict in prosecuting a right line of conduct. Secondly, because punishment is always a more powerful incentive than reward. The latter cannot always attract the energies of the mind into action, since every man is not capable of evincing emulation; and although in this particular deficient, nevertheless he can still live in happiness, since emulation is not a quality necessary for the attainment of felicity. But the former threatens to inflict a certain chastisement and pain as the sure consequence of non-compliance.

But, although there are no specific rewards apportioned as an inducement to promote the exercise of the social virtues, nevertheless there are two incitements which, notwithstanding they are denominated prejudices, have had a salutary tendency in deterring society from the commission

of crimes — the desire of acquiring honour, and the fear of incurring disgrace. The one has been considered as a satisfactory recompense, and the other as a sufficient punishment. Thus, among the Romans, says Montesquieu, the legislator had only to point out the right line of conduct to be pursued, and the people invariably and spontaneously acted according to the directions given. The Valerian and Porcian laws altogether rendered unnecessary the penalties denounced by the laws of the twelve tables. The punishment of the regal laws were abolished. Here, then, the very stigma of dishonour was sufficiently disgraceful to prevent the commission of crimes. From these principles in human nature the greatest advantages have assuredly arisen to society.

Having said thus much on the formation of society and origin of laws, we will now take into consideration the application of those laws, in as far as relates to Criminal Jurisprudence. A consideration of this subject should excite the best sympathies of our nature. Party irritations should not be suffered to lead astray our better judgment. This is not a contest between Whig and Tory for predominancy in government, for this question has not the most distant interference with politics. Its purpose is the improvement of mankind—for bringing into the path of duty those of our fellow-creatures who have been long plunged into the

most vicious enormities—for retrieving lost humanity. How delightful a task! Ought we not, therefore, to be active in our exertions? We should, indeed, accelerate our measures with joyous alacrity, in order to effectuate the desired object.

The early abolition of torture in England acquired for the criminal law a greater degree of celebrity than any other country had before enjoyed. This, added to the impartiality which generally characterised its proceedings, rendered it an object of admiration throughout the nations of Europe. Although it were impossible to suppose that any thing resulting from human wisdom and capacity can be all perfect, nevertheless that very superiority which our laws acquired, and that great estimation in which they were held, absolutely prevented any alteration from taking effect. Errors were indeed discovered which human foresight could not anticipate; faults became palpable, of which the legislator never dreamed; but antiquity had given them a venerable appearance, and it was thought a crime nearly approaching to sacrilege to attempt improvements. The criminal code thereby in substance remained unaltered, and no attempts were made till very lately. It is true, Committees were appointed by both Houses, particularly in 1750 and 1770; and though in their reports they pointed out several

changes, from which general utility would result, still nothing effectual was done. In 1810, however, Sir Samuel Romilly brought in a bill for abolishing capital punishment in certain kinds of larceny; and such was his eloquence, such his powers of argument, and so effectually did he point out the errors under which our criminal code laboured, that the subject has been introduced into general discussion. A Committee was appointed, which returned a Report, ordered by the House of Commons to be printed in July, 1819; and though it does not contain intelligence as satisfactory as might be adduced on so important a subject, still it is to be hoped that some practical result will at length take effect.

Punishment is an evil consequent upon the commission of crime, in order to prevent its recurrence. This end is to be attained by a consideration of three things—the amendment of the party offending, the deterring of others, and the reparation to society and the party injured. Of these, however, the first claims the highest importance. The interests of society cannot be better upheld than by the prevention of crime; and if the operation of those punishments decreed by the law fail to excite terror by example, every hope of reformation is fled, until the discovery of some other practical method. It is palpably evident that our present system of punishments has

not the desired effect. Our criminal laws have within the last century increased fourfold. If increase of laws and severity of punishment be a certain indication of the scarce occurrence of crime, then, indeed, this country would be truly blessed; for it has been repeatedly affirmed by persons of the strictest veracity, that if all the penalties denounced by our laws were enforced, the English would have the satisfaction of boasting their possession of the bloodiest system, and most sanguinary code, ever invented by the fertile imagination of man. But the course at present adopted is not productive of rarity of crime. In one single year no less a number than 107,000 passed through the prisons of the united kingdom. With this fact palpably before our eyes, can we still have perfect confidence in the capability of our system? But, independent of this, the number of criminals has been yearly increasing. To this may also be added the melancholy statement, that the juvenile depredators only, who get their daily bread by pilfering and stealing, amount to upwards of 10,000 in this metropolis. Can we then still proceed in our infatuation? Shall we still slumber in our lethargy? Shall we tamely suffer our better senses to be deluded by theoretical doctrines? "When we reflect," says Basil Montague, in his *Inquiries respecting the punishment of Death*, "upon the criminal codes

of past ages, it may seem extraordinary that any reliance should now be placed upon the efficacy of severe laws; for if severity could have prevented crime, crime would long since have been exterminated, and we might look back with less remorse at limbs torn asunder by wild horses, at burnings, at impalements, at crucifixions, and the many sad barbarities inflicted by man in authority over his offending and unoffending fellow-creatures!" How remarkable a contrast does the comparison between France and England offer! In the former country, although containing nearly 30,000,000 inhabitants, crimes are more rare than in England, containing only 11,000,000. This of itself is sufficiently conclusive to prove our system radically wrong.

It cannot be doubted that a greater degree of discrimination is required in our laws. To prove the thoughtless haste and rapidity with which some of our statutes have been enacted, Mr. Buxton has mentioned two circumstances in his celebrated speech on the Forgery Mitigation Bill. Mr. Burke, when once leaving the house, was stopped by the serjeant, who requested his attendance a little longer. "I am in haste," replied the orator, "and must be gone." "Oh!" said the serjeant, with the most perfect *nonchalance*, "'tis only a Felony without benefit of clergy Bill, and will not long delay you." The other

is certainly much stronger. Sir William Meredith having once retired up-stairs, for the purpose of writing a letter, saw a member half asleep assenting to a bill which the clerk had been reading, and each section of which terminated with the words "liable to the punishment of death, without benefit of clergy." On requiring of the sleepy member the nature of the crimes against which such severe penalties were provided, "It is," replied he, "because my turnips are plundered every night; and having obtained permission from my worthy friend the Rector to have the villains hanged, I have introduced this bill, to carry the intention into execution!" A person who steals a sheep from a common incurs the penalty of death; but should he steal a child, he is only liable to transportation.\* This appears paradoxical; but a *somewhat* satisfactory explanation may be thus assigned—that sheep are necessarily exposed, and thus more liable to be stolen; but if a child is lost, it is assumed to be through the negligence of the parents. But if a man kills a rabbit, or murders his father, the penalties are the same! This, indeed, assumes a more serious aspect. Again, if a person commits a robbery, or breaks into a house, his sentence is death; but

\* Until very lately, killing a black man did not in South Carolina constitute the crime of murder.

if his crime is aggravated by the commission of murder, the punishment remains unchanged. This, indeed, requires our most serious attention! In Germany they observe a difference. The punishment of hanging is awarded to theft; to murder decapitation; and breaking on the wheel to one guilty of the double crime. This discrimination, I have been informed, is attended with salutary consequences. Another fault observable is the partiality of punishment. Oftentimes are two persons tried for the self-same offence, when the one suffers a mitigated penalty, and the other has to endure the extreme rigour of the law. This is done simply because the one bears a better character than the other. "So that in England," says Lord John Russell, "a man is hanged, not for the crime of which he is found guilty, but for the general course of his life. Thus it was," continues he, referring to the case of Essex, "that a man of notoriously bad character, after a course of larceny and burglary, was at last, to the great surprise of his neighbours, his jury, and his prosecutor, hanged for cutting down young trees!"

If punishment is intended as an example, the proof of its inadequacy to effectuate the end proposed will be no very difficult task. Of late years, notwithstanding the severe penalties denounced by our law, crimes have increased in occurrence. But, not to confine our observations to our own

immediate times, the reign of Henry VIII. will afford a sufficient demonstration. For robbery simply he executed 72,000 persons. The severity of punishment was in a very trifling degree abated during the time of Elizabeth. But notwithstanding those numberless examples, the warning, dreadful as it was, proved too weak a barrier to prevent the commission of crimes. During both reigns they increased. Too much dependence was placed on the exertions of the executioner; and no measures were adopted to prevent the occurrence of offences. But, not to dwell longer on facts of which a multitude could be adduced, there exist plain reasons: and, first, the offender's hope of escaping discovery. This always inspires the party meditating the deed, and upholds him after its commission. Every matter cannot possibly come under the cognizance of the law, so that the fear of punishment proves a feeble preventative. Thus Vickery deposed before a committee of the House of Commons, that within the short space of one month there was property stolen in the city of London to the amount of £15,000, and not one of the thieves had been apprehended. Thus also with respect to the murder of the late unfortunate Mrs. Donatty. Secondly, he trusts to the clemency of the judge or jury. Of this daily instances occur. In numberless cases juries have returned the most inconsis-

ent verdicts. "A juryman," says the noble author before cited, "who had often served on bankrupt cases, told me the juries on which he served would never take the law from Lord Ellenborough, although he was probably in the right, but persisted in affixing their own erroneous but merciful interpretation." Jurors have repeatedly perjured themselves, in order to serve the purposes of humanity. Mr. Roscoe has mentioned the following circumstance in his excellent work upon "Criminal Jurisprudence." 'At Carnarvon sessions (1818), J. Jones, a drover, was tried for uttering forged bank notes; and, notwithstanding thirty-one witnesses established the charge, and Mr. Glover, inspector to the Bank of England, traced thirty-nine notes to have been paid by the prisoner, the jury returned a verdict of Not guilty! Next day, the same prisoner was indicted for having forged notes in his possession, and the jury again returned a verdict of Not guilty.' When the magistrates of the borough of Pevensey were entitled to try prisoners, a man was convicted of stealing a pair of leather breeches. On being informed by the Clerk to the bench that the penalty was death, without benefit of clergy, frightened at the idea of exercising such rigour over the life of a fellow-creature, they sent a deputation to ask the opinion of a neighbouring gentleman in what manner they should act, when, the Chief Baron happen-

ing to be at dinner, he told them, in a merry mood, to return a verdict of manslaughter. The magistrates implicitly followed his advice; and to this day is to be found, in the records of the borough, the remarkable instance of a man having been found guilty of manslaughter for stealing a pair of leather breeches! This single fact, ridiculous as it may appear, is sufficient to show the qualms under which the consciences of jurymen oftentimes labour. Thirdly, a mitigation of penalty. Out of a number of persons condemned to death, sometimes only one is executed. The punishment of the others is commuted to transportation, which change is joyfully hailed by the prisoner. Thus, then, although he is discovered, committed, tried, convicted, and condemned, still he entertains hopes of escaping with his life. This is realized in nine hundred and ninety-nine cases out of a thousand.

It is a curious circumstance, sufficiently authenticated by observation, and borne out by fact, that a remission of some certain taxes would render the sale of the articles on which they are imposed and levied more brisk and extensive, and would therefore materially augment the public revenue. In the same way, if I may be allowed the similitude, would the amelioration of punishment lessen the occurrence of crime. This statement to a novice may appear preposterous, inasmuch

as the relaxation of the severity of punishment would allow a greater freedom to men's actions. This plausible mode of argument has had due effect among the nations of antiquity. Sufficient exemplifications are visible in the laws of Egypt, China, and India. It is also observable in the institutes of Moses. The laws of the Athenian Draco were said, on account of their extreme severity, to have been written in characters of blood. Capital punishment was denounced by the laws of the Twelve Tables against the most trifling infringement. The Gauls and Northmen also are remarkable for the severity of their regulations. Our own statute-book denounces the penalty of death for the commission of upwards of two hundred offences. Remaining in company with gipsies; being found disguised in any forest or park; unlawfully hunting deer; robbing warrens; breaking down the mound of a fish-pond; injuring Westminster bridge, or any other bridges; cutting down trees; concealment of goods by bankrupts; cutting down the bank of any river; destroying any fence or sluice; sending threatening letters; personating out-pensioners of Greenwich hospital; maliciously cutting serges; harbouring offenders against the Revenue Act, when returned from transportation; — are (amongst a multitude of others) reckoned as capital crimes, and the penalty provided is death. The writer of the article

upon the "Report from the Select Committee on Criminal Laws \*" has, with great ingenuity and sophistry, endeavoured to prove the efficacious principles upon which all these acts have been severally established, and the salutary consequences which have been derived from their enactment. Theoretical arguments will stand plausibly enough, while no facts are in existence to disprove their plausibility. But facts in this instance are as powerful probatives as is the alembic of the alchymist. They are altogether against him. The original intention which prompted the passing of these acts has been defeated. Severity has not the desired effect; crimes are daily increasing, and therefore resort must naturally be had to other measures. Besides, particular instances are not cavilled at; the whole system is radically wrong, and a remodelling is absolutely necessary.

Let not persons for one moment suppose that the criminal code, as existing at this day, is the self-same which regulated the actions of our ancestors. There are some, indeed, whose blind attachment to the constitution has led them to this supposition; but the two are as dissimilar as light and darkness. The punishments generally inflicted by the Saxon code consisted of mulcts; the penalty of death was rarely denounced. Our

\* In the 47th Number of the Quarterly Review.

Alfred in his wisdom enacted that the crimes punishable by death in the Jewish code should, among those professing the merciful doctrines of Christianity, be visited by a milder penalty. The Danes, who entertained towards the Saxons the most deadly hatred and animosity, whose object was to eradicate every establishment of Saxon origin, were so struck with the wisdom displayed in the penal enactments, that they altogether retained that principle of legislation. Canute breathed a like spirit of moderation as the great son of Ethelwulph. William the Conqueror, notwithstanding all his cruelties and barbarities, in his two codes forbade the infliction of death. The names of Bacon, More, Coke, Spelman, and Blackstone, can be adduced as the firmest supporters of so merciful a system. But it was not in this country only that its advocates appeared. Montesquieu and Voltaire dilated with considerable ability and eloquence on this subject. In one of the small states of Italy, however, arose the powerful pleader for moderation in penal jurisprudence. It was under a despotic government that the celebrated Beccaria wrote his admirable treatise; and his exertions effected considerable improvements in criminal legislation in many countries of Europe. The grand duke of Tuscany was the first among the reformers. His mitigation of the penal code was productive of

such salutary and satisfactory consequences, that, towards the close of the year 1786, he issued the famous edict of Pisa, which altogether abolished capital punishment throughout his dominions: and so great was the tranquillity which resulted from his measures, that his subjects bestowed upon him the appellation of *the good Leopold*. His brother Joseph was as indefatigable as himself; and had he not been thwarted in his delightful operations by the nobles of Hungary and Austria, he might perhaps have attained a happy degree of perfection. The penal codes of Germany and Russia underwent complete alterations. Maria Theresa, in the former country, tacitly sanctioned the suppression of torture; and the emperor Joseph II., by an edict in 1787, altogether prohibited it. The empress Catherine publicly proclaimed the abolition of capital punishment, which proclamation was certainly an impolitic measure. In France and in Spain the torture was laid aside, although Turreil and Castro strongly maintained its utility. In Prussia, Sweden, Saxony, and Poland, the same example was followed, and the same mild doctrines adopted.

If I were writing a separate treatise upon Criminal Jurisprudence, I might be induced to dilate at length on every topic connected with it: but as this is only intended as an essay, and a small portion of a volume, I can only be expected to

touch slightly on each point. Should any individual be disposed to give this matter a cool and calm consideration, there are numberless works on this subject which he can consult with advantage. Among others, I would recommend that by Mr. Roscoe, and Mr. Buxton's pamphlet on Prison Discipline, which, for accuracy and truth, stands unrivalled. Mr. Miller has a work in the press; and its publication will, I doubt not, amply confirm the high opinion which the public have formed of his deep learning, acute discrimination, and powerful abilities.

By consulting Mr. Buxton's "Prison Discipline," the reader will be convinced of the glaring errors visible in that department. Indeed, it requires a speedy revision. Government have commenced their operations in effecting improvements; and it is to be earnestly hoped they will proceed with every despatch in the prosecution of that necessary duty.

Next to imprisonment comes transportation. This is certainly not now considered as a punishment by those convicted and sent abroad. When towns are few, society scarce, and trade inconsiderable, then it might produce the desired effect\*; but now society and comfort are to be found equal-

\* This observation the conduct of the first convicts sent to New South Wales sufficiently proves.

ly in New South Wales as in England; and the offender leaves this country in joyfulness and expectation. Cicero has very wisely observed, "*Exilium non supplicium est, sed perfugium portusque supplicii.*" And the Roman law suffered prisoners the alternative of going into voluntary banishment, or standing the chance of a trial. Until the reign of James I. of England, a similar choice was allowed to culprits by the well-known practice of abjuration of the realm, derived, as I rather think, from the superstitions of the middle ages. Thus, then, the laws do no more now than the free choice of prisoners did in former times.

In a late publication by Mr. Thomas Reid, surgeon, on the colony in New South Wales, there is given a detail of facts which comes under the author's own observation. From its perusal the reader will be soon convinced of the efficacy or inefficacy of transportation. What with the misconduct of the superintendent of convicts and his subordinates, and the deep-rooted, dissolute, and abandoned habits of the convicts themselves, it is impossible for reformation to take effect. "It might be expected," says the last-mentioned gentleman, "that the passions of prisoners, whether male or female, sentenced to transportation, having been long kept under by discipline, a sense of guilt, and repentant reflection, during the

voyage, would not be easily roused again into mischievous action: but even a momentary consideration of what is human nature, and how prone it is to evil, as also the former state of these persons, will forbid a too confident expectation that the mind long accustomed to habits of vice, and subdued only by a powerful sense of shame or religious feeling, can be at once thoroughly reformed, and secure from relapse. It was doubtless with a view to prevent any thing of that unhappy tendency, that the local government instituted the confinement of the prisoners, as already mentioned. The following circumstance will show how careful the superintendent is to maintain this humane intention."

Mr. Reid thought it his duty to point out to the notice of the governor two females, who, on account of their profligate behaviour, required immediate attention. His Excellency gave orders to that effect; yet, such was the negligence of the superintendent, that on that very evening the two women were allowed to go at large through the streets of Sydney.

On visiting the gaol the morning after the prisoners had been landed, he found to his utter astonishment that the night had been passed by the inhabitants in noise, drunkenness, and indecent revelry, occasioned by the introduction of spirits; which circumstance could not possibly

have occurred without the knowledge of the keepers. And one of the women at the Factory at Paramatta assured Mr. R., that "if angels from heaven were placed there as they were, they would in three nights be corrupted!" So much for the benefits resulting from transportation.

After due consideration, I certainly think that the penitentiary system, properly managed, would be most efficacious in its consequences: in this I am only echoing the opinion of some of the first men in this country. The Quarterly Review, indeed, ridicules this system, and likens the penitentiary at Milbank "to one of the fortified towns which have so long given interest and protection to the flats of Holland." Although an injudicious taste and choice directed its present form and situation, still it certainly does not follow, as a necessary consequence, that every other penitentiary is to resemble a "fortified town," or be situated in a quagmire. As to the expense: first, the sums at present expended in transportation may be applied to this purpose: secondly, a certain portion of the money to be acquired by the labour of the prisoners might be contributed towards the self-same object.

"By a just retribution for our folly," says Mr. Roscoe, "it costs us more to punish crimes, than it would to prevent them." I shall, therefore, in the last place, mention the most effectual

preventatives. Amongst the principal sources of crime may be reckoned intoxication: to this may be traced some of the most horrible and abominable excesses which have been committed by men: by its power we are "rendered insensible to the milder feelings of our nature, and regardless of all consequences, whether as affecting this world or another." As long, therefore, as spirituous liquors are to be had freely by the community at large, so long every shocking excess must continue. Gaming-houses may also be reckoned among this number, as well as unnecessary fairs. Upon a moderate computation, there cannot be less than seventy-five fair days annually in the neighbourhood of London, when is exhibited every species of riot, disorder, and debauchery, which can be possibly imagined. Female prostitution and juvenile delinquency hold considerable places in this list. The late Sir John Fielding frequently said, that within the parish of Mary-le-bone alone there were nearly 12,000 prostitutes; and it is a known fact, that there are more than 10,000 children distributed about the streets of the metropolis, who depend on pilfering as the source of their livelihood.



ON THE  
POLITICAL CHARACTER  
OF  
JAMES THE FIRST OF SCOTLAND.

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" Ages to come shall thee revive,  
And gar thee with new honours live;  
The future critics, I foresee,  
Shall have their notes on notes on thee;  
The wits unborn shall beauties find,  
That never entered in my mind."

*Allan Ramsay.*

SEVERAL essays have been lately written, in so able and admirable a manner, upon the literary attainments, poetical talents, and romantic amour of James the First of Scotland, that it would appear presumptuous in me to say one word upon that subject. His taste for literature has received the eulogia, his proficiency in the several arts and sciences raised the admiration, and his miserable and untimely end excited the sympathy of posterity. The subject seems to have been completely drained; but there is one point which has not been sufficiently touched, —

one point which has not received its just meed of commendation; and, consequently, to which I, with humble deference, wish to direct the attention of the reader; namely, the benefits which he conferred upon his people, in consequence of the innovations which he introduced, — the abuses which he detected, — the civil and political evils which he eradicated and remedied, — and the wholesome statutes which he promulgated throughout his hitherto lacerated and turbulent dominions.

Besides the poet and the romantic lover, we must view James as the philosopher, who evinced the goodness of his heart in revolving speculations, and maturing schemes for the amelioration and improvement of his countrymen. We must view him as the patriot, who promoted the instruction of his people; who, by the strength of his laws and the activity of his benevolence, coerced his barbarous subjects, softened their ferocity, and induced them to prosecute the arts of peace. We must view him as the hero, who defeated conspiracy and rebellion, — who healed the wounds of his bleeding country, — lessened the power of the nobility, — and, comparatively, freed the lower orders from a blind subjection to the will of their superior lord. We must view him as the man, who fostered learning, and patronized the arts and sciences, — who laboured

for the advancement of his species, — who was the civilizer of his people, and the real benefactor of Scotland.

It would be an impossibility to give a minute and circumstantial detail of the above-mentioned bearings ; the limits of this essay would not admit them, as volumes would be scarcely sufficient. I must, therefore, entreat the reader's kind forbearance, if the description herein attempted shall prove unsatisfactory.

James the First was born in the year 1393 : he was the second son of Robert the Third of Scotland, and fourth in descent from the illustrious Bruce, the brave assertor of Scottish independence.

Robert, the father of James, was a prince of a weak and unsteady mind ; rather free from vice, than noted for the possession of any particular virtue. Harmless in his manners, and incapable of energy in the exercise of power, — he was more fitted to obtain regard and esteem as a private individual, than to excite admiration, and command respect, in the exalted situation which Providence had destined for his occupation. The duke of Albany, therefore, who was the reverse in character to James, and who, fired by ambition and the lust of power, was ready for the commission of any excess, — prepared for the perpetration of any crime, which might enable him to

seize upon the crown,—soon obtained an alarming ascendancy over his royal brother. To him was intrusted the management of all public affairs,—to his guidance was committed the vessel of state,—and he soon showed himself unworthy of the confidence reposed in him, and capable of the blackest crimes, where his own interest was concerned.

Scotland received a severe blow in the death of Archibald Douglas, surnamed the Austere, which was speedily followed by the decease of Queen Annabella, and Walter Trail, Archbishop of St. Andrew's. These three had, by their united efforts, maintained and upheld the state, and had shown themselves the most formidable obstacles to Albany's ambition. For, while Scotland had acquired glory and reputation, in consequence of the skill, the courage, and activity displayed by the warlike Douglas, the ecclesiastical authority and discipline had been ably promoted by the venerable Trail, and the dignity and morals of the court upheld by the anxiety and vigilance of the amiable and virtuous Annabella. Their removal, however, gave free scope to the wily Albany, who immediately commenced his intrigues for the attainment of the object of his fondest hopes—the crown of Scotland.

David, the Earl of Rothesay, the king's eldest son, was of a fiery, untameable temper; impa-

tient of control; devoted to every species of profligacy; and given to every sensual indulgence. These vices had been fostered and increased by the easy and complying disposition of his father. During the life of his mother, however, he was compelled to curb and restrain his violent passions. But when once free from her authority, he immediately returned to his depraved courses and debaucheries, and abandoned himself to every immoral and sensual excess. Constant complaints were brought to the ears of the king, who at length sent orders to his brother Albany to detain the young prince in his custody, and to maintain a constant and strict watch over his actions, until he should evince some indication of amendment. He was accordingly taken into custody by the emissaries of his traitorous uncle, who conducted him to the castle of Edinburgh, and thence carried him to his own castle of Falkland, where he suffered a cruelly protracted death by starvation.

Dread and apprehension seized the mind of the monarch when he received information of the treachery of his brother, and the violent death of his eldest son; and his anxiety was awakened how to ensure the safety and preservation of the youthful James. Upon advising with his friends, it was suggested that the least dangerous step would be to intrust him to the tuition and management

of Charles VI. of France, the old and firm ally of Scotland; being assured that the prince would there meet with honourable treatment, and find a safe retreat. In pursuance of this scheme, therefore, the prince was taken from the custody of the worthy Walter Wardlaw, Archbishop of St. Andrew's, and embarked with great secrecy under the direction of Henry Sinclair, Earl of Orkney, a nobleman of steady and tried attachment. By stress of weather they were compelled to land at Flamborough Head, in Yorkshire, where, being recognised (notwithstanding the existence of a truce between the rival kingdoms, and in defiance of the law of nations), the party were made prisoners, and with the greatest despatch conducted to London.

When King Henry, of England, received intelligence of the capture effected by his officers, and understood the dignity of the captives in his power, he immediately assembled his Council, who advised the detention of the royal prisoner, by way of reprisal on the Scottish monarch; inasmuch as Robert had openly maintained and protected the Earl of Northumberland, and other traitorous and attainted nobles; and had also granted assistance to the English rebels at the battle of Shrewsbury. In consequence of this advice, the king commanded the prince's instant commitment to the Tower.

The melancholy intelligence of his son's capture and captivity, when conveyed to the ears of the fond and doting father, put a speedy termination to his life. "This calamity of the son," says Buchanan, "was brought to his father's ears whilst he was at supper, and did so overwhelm him with grief, that he was almost ready to give up the ghost in the hands of the servants that attended him; but being carried to his bedchamber, he abstained from all food, and in three days died of hunger and grief at Rothsay."

Immediately on the death of Robert the sovereignty devolved upon James, who was accordingly proclaimed king; but, in consequence of his absence, the Scottish nobility settled the regency and government of the kingdom upon the perfidious Albany, who, now invested with kingly power, and having attained the height of his daring ambition, evaded entering into any negotiation with the English, in order to effectuate the liberation of his royal nephew.

The Tower of London was for the space of two years the spot of James's confinement; from whence, in 1407, he was removed to Nottingham castle. Six years after he was recommitted to the Tower, and shortly after that transferred to Windsor Castle. His confinement was close. The prize, indeed, was of too rare a value to neglect its safety; so that the prince was guarded with all

the watchfulness and vigilance of a never-sleeping jealousy.

But, although he was thus confined, though he was compelled to waste the blooming spring and the vigour of his days in close imprisonment, though he was cut off from all society, and denied every enjoyment; yet Henry was most anxious in obtaining for him the best masters, and the most expert instructors which the age could afford. "He was educated," says Drake, in his *Anglo-Scotia*, "as the son of a king; and had, by King Henry's appointment, such perfect tutors and instructors for the teaching him the tongues and liberal arts, that he became excellent in the knowledge of every of these. He was bred also in all princely qualities, being taught to ride, run at tilts, to handle and use all kind of weapons fit to be used by a prince, wherein he was so expert, that few, in any point of manly activity, were able to overmatch him. He had also good knowledge in music, and in all his behaviour and carriage, in what company soever he came, it appeared that his bringing up was according to his high birth, and the quality of a most noble and virtuous prince." Hector Boece speaks of his proficiency in every department of literature;—of his expertness in athletic exercises;—and of his wonderful dexterity in the tourney. And Drummond, of Hawthornden, thus notices him: "He was of so strong and vigorous

a constitution, that he was able to endure all extraordinary extremities, both of travel and want ; and surpassed, for agility and nimbleness in any exercise, his companions. He was of so sharp and pregnant a wit, that there was nothing wherein the commendation of wit consisted, or any shadow of the liberal arts did appear, that he had not applied his mind unto ; seeming rather born to letters than instructed. He wrote verses both Latin and English. He exercised all instruments of music, and equalled the best professors thereof. He had studied all philosophy, but most that which concerns government, in which what a master he was, the order which he established, in such a confusion as he found in the state, doth witness ; and many old laws, commodiously renewed and amended, others for the public good established."

In the year 1414, King Henry V., on receiving intelligence of the defeat sustained by the English army acting in France, and the death of his brother, the Duke of Clarence, resolved himself to take the conduct of the war in that country. He, as a matter of policy, included in his retinue the youthful King of Scotland. For, as the Duke of Albany had sent considerable supplies, and a numerous accession of forces, to the assistance of the French king, it was naturally supposed that the Scots would withdraw their aid, as soon as they beheld their sovereign serving under the

standard of England: but the English were altogether disappointed in their expectations. The Scots, when taxed with infidelity and rebellion against their liege lord, returned for answer, that they could not acknowledge allegiance to one who had not been crowned, and consequently to whom they had never sworn duty and obedience. However, James conducted himself throughout the whole campaign with great courage and magnanimity; and such was the confidence reposed in him by the English king, that the siege of Dreux was intrusted to his conduct and management, which place he besieged with great skill and vigour for the space of six weeks, when it was forced to surrender at discretion. When Henry returned to his native dominions, James was re-committed to the castle at Windsor, where he continued a prisoner until the period of his final liberation.

That the captivity of James was unjustifiable, in direct opposition to the law and usage of nations, and in a great degree cruel, is incontrovertible: but, notwithstanding all this, it was certainly productive of beneficial consequences. James, though doomed to pine away eighteen years of his life in close imprisonment, — though the spring and summer of his days were passed in confinement, — still, by that very imprisonment and confinement, gained such an accession

of mental improvement, that he lived to become the guardian genius of his native country. But, it has been said, he could have made the same progress, — could have acquired the same proficiency in Scotland, — that in his infancy his education was intrusted to the care and protection of one of the brightest ornaments of the Scottish hierarchy, Wardlaw, Archbishop of St. Andrew's; and that, had he continued under the management of such a preceptor, he could not in anywise have profited by an English education. This opinion is certainly erroneous. Any one, who will for a moment reflect upon the existing condition of the two neighbouring nations, during the period in question, will be fully convinced of the truth of the above assertion. The Scots had made a very trifling progress in literature. Public schools were only established during the administration of Albany; not because he was anxious to promote and patronize learning, but because individuals had voluntarily offered themselves as instructors. The manners of the people, moreover, militated against improvement. During the reign of James, the Scots had scarcely emerged from their barbarous state; they were involved in darkness, — they were averse to labour, — they were contentious, ferocious, and revengeful. Buchanan affirms, that even in his time it was a common practice among the chieftains in the wilds

of Scotland, to murder their brothers and other relations, thereby to enjoy a greater security in the possession of their estates. And Hawthornden says, that the wildness of the soil had made the inhabitants more fierce than fierceness itself. Their intercourse with foreigners had been very slight ; and even if, by any accident, "modes more ingenious, or fashions more elegant," than those to which they had been accustomed, had been presented to their consideration, the impression was transient, and productive of no beneficial consequences. If the foregoing statement be admitted as correct, — and it is deduced from the very best authorities, — a comparison between the intellectual condition of England and Scotland will afford a remarkable contrast in favour of the former. England had long been well organized in every department, — the power and the prerogatives of the king were universally acknowledged, — the nobility were ever ready to yield obedience to the commands of majesty, — and the liberties of the people had been established on the most firm and steady basis. The arts and sciences had been actively prosecuted, — knowledge had become general, — and the several manufactures had been duly promoted. Universities had existed for ages, and schools of instruction had become numerous throughout the country. Indeed, the intellectual character

of England, during this period, may be ranked very high. To acuteness of judgment, and activity of mind, the English scholars had added all the knowledge and information which industry could furnish, or perseverance possibly ensure. Their acquirements were raised on the most solid foundation; on penetration, correctness of information, and truth in reasoning. They loved learning for its own intrinsic value and native excellence; and not for the sake of show and parade, like the Grecian sophists, or Roman rhetoricians. The Arabian sciences and philosophy had been early introduced, and enthusiastically cultivated throughout the country. The names of Robert Retenensis, Athelard of Bath, Daniel Morley, Michael Scott, and Friar Bacon, stand conspicuous, for having pursued and studied the sciences and philosophy of Arabia. The intercourse also of the English with foreign parts had been very extensive; for, independently of France, and other places on the Continent, the Crusades had opened the East to their researches. The love of novelty, — or plunder, — or a desire to gratify the longings of curiosity, — or zeal and devotion, — might have respectively prompted the thousands who left the English shores, to visit the climes of Asia; still their travels made them wiser, and considerably added to their fund of knowledge and information. Thus, from the

slight sketch here given, we may plainly perceive that England had greatly the superiority over her neighbour Scotland.

The favourite employments of James, during the period of his imprisonment, were the study of philosophy, and the cultivation of poetry; and in both these points he soon acquired great proficiency. His favourite volume was Boethius' "Consolations of Philosophy."

" Quhen as I lay in bed allone, waking,  
       New partit out of slepe a lyte to fore,  
 Fell me to mynd of many diverse thing,  
       Of this and that, can I no<sup>t</sup> say quharefore,  
 Bot slepe for craft in erth my<sup>t</sup> I no more;  
       For quhich as tho' coude I no better wyle,  
 Bot toke a boke to rede upon a quhile.

" Off quhich the name is clepit properly  
       Boece, efter him that was the compiloure,  
 Schewing counsele of philosophye,  
       Compilit by that nobil senatoure  
 Off Rome quhilome y<sup>t</sup> was the warldis floure;  
       And from estate by fortune a quhile  
 Foringit was, to povert in exile.

\*            \*            \*            \*            \*

" With mony a nobil reson as him likit,  
       Enditing in his faire latyne tong,  
 So full of fruyte, and rethoricly pykit,  
       Quhich to declare my scole is over zong;  
 Therefore I lat him pas, and in my tong  
       Procede I will agayn to my sentence  
       Of my mater, and leve all incidence."

This work in all probability was most likely to soothe and tranquillize a mind suffering indignities, and bereaved of all the pleasures, the delights, and enjoyments of social intercourse. Boethius himself was descended from one of the noblest families in Rome, and early sent to Athens for the purpose of completing his education; there he soon acquired a complete knowledge of philosophy, and the Grecian sciences. On his return to his native land, he was raised to the honours of the consulship; but soon fell under the displeasure of the tyrannical Theodoric, who banished him to Milan; or, according to others, to Pavia, where he was denied the company or conversation of a single friend. It was here that he wrote his admirable work "De Consolatione Philosophiæ." Shortly after, he was beheaded in prison. The following inscription is placed upon the tomb of the unfortunate philosopher:—

"Mæoniâ et Latîâ linguâ clarissimus, et qui  
 Consul eram, hic perii, missus in exilium.  
 Et quod mors rapuit? Prohibitas me vexit in auras,  
 Et nunc fama viget maxima, vivit opus."

Of all the literary performances of Boethius, his "Consolations of Philosophy" have ever attracted the most general attention, and excited the greatest degree of admiration. The book purports to be a conference, partly verse, and partly prose, between the author and Philosophy; who

points out to his notice the several consolations for the evils and miseries of human life. It early drew the attention of our Alfred, who gave the world a Saxon translation, and in many parts even added an elegant paraphrase. Chaucer and Queen Elizabeth, also, who read the work to mitigate a violent fit of grief, completed English translations of this admirable production.

The "Consolations of Philosophy" had the desired effect upon the mind of the youthful James. Though in his poem of the "Quhare" he complains of his misery, and his hard lot; and bewails the misfortunes of his infancy; still his very complaints breathe forth a tender tone of resignation to the will of all-governing Providence.

" Quhare as in ward full oft I wold bewaille  
 My dedely lyf, full of peyne and penance,  
 Saing ry<sup>t</sup> thus, quhat have I gilt to faille,  
 My fredome in this world and my plesance?  
 Sen every wight has thereof suffisance,  
 That I behold, and I a creature  
 Put from all this, hard is myn aventure?

\*       \*       \*       \*       \*

" Bewailling in my chamber thus allone,  
 Despeired of all joye and remedye,  
 For-tirit of my tho<sup>t</sup> and wo-begone,  
 And to the wyndow gan I walk in hye,  
 To see the world and folk y<sup>t</sup> went forbye,  
 As for the tyme though I of my this fude  
 My<sup>t</sup> have no more, to luke it did me gude."

Nearly eighteen years of joyless captivity had been passed by this unfortunate prince; when one day, standing in pensive and melancholy mood, near to his window, gazing upon a garden "fast by the touris wall," and listening to the plaintive melody of the nightingale, he beheld, walking underneath, "the fairest or the freschest zounge floure," that ever attracted the gaze of admiration.

"For quich sodayne abate, anon astert  
The blude of all my bodye to my hert."

His senses were immediately enraptured, and his heart ravished with sweet ecstasy and tender delight; his eye hung in admiration upon the lovely face and beautiful form of the vision; and from that moment, secret love aroused his theretofore languishing soul.

The object of his passion was the Lady Jane Beaufort, the daughter of the powerful Duke of Somerset, and grand-daughter of John of Gaunt, Duke of Lancaster, and consequently of the blood royal of England.

Further of the love story we know not; only that the youthful beauty returned the passion, which she had so unwittingly inspired in the heart of the royal captive, whose period of confinement was now drawing towards a termination.

Regardless of their rightful monarch, the Scots

had acted in an undeviating line of hostility against the English. They had been the willing and constant allies of the French during the successive reigns of the three Henrys of England : and, notwithstanding they had suffered repeated defeats, and lost the flower of their nobility in their wars with their neighbouring rival ; they were still anxious for the success of the party which they had so long assisted, and still willing to aid the cause which they had so long espoused, but in which they had so severely suffered. It now fell into the consideration of the Duke of Bedford, that the liberation of James, and an alliance with England, by means of his marriage with the Lady Jane Beaufort, might be the means of detaching the Scots from the French nation, and might be conducive of material benefits to the English. Accordingly, a treaty was concluded, which, after stipulating a considerable ransom\*,

\* During this period taxes were almost totally unknown in Scotland, and extraordinary aids were of rare occurrence. The public revenue, therefore, consisting of the demesne lands, and the feudal duties incidental to sovereignty, were very circumscribed. Accordingly, the ransom (£30,000.) stipulated by the treaty of liberation, which should have been collected upon the people as a tribute, agreeably to the power vested in the sovereign by the feudal custom, was extremely unpopular: so that James, after having with difficulty enforced the first payment, was compelled to remit the remainder.

effected the liberation of the youthful king, and gave him for a wife one of the most beautiful and most accomplished women of the age.

In the year 1424, James, accompanied by his fair and blooming bride, returned to his kingdom of Scotland, and was received by his subjects with a degree of cordial joy and enthusiasm ill according with their former negligence\* and indifference: but the reason became very obvious. On every side desolation, ruin, and disorder, met the eyes of the astonished king; the nobility arrogated to themselves all power and authority; the laws were defied and set at nought; the system of clanship predominated in every district; and blood was the only satisfaction for an offence given, or an insult offered. Discord prevailed, and faction raged in every quarter. The people groaned under an unrelenting oppression, and were reduced to the most

\* The state of Scotland during this period may be assimilated to that of France in 1360, when Petrarch visited Paris. "I could not believe," says he, "that this was the same kingdom which I had once beheld rich and flourishing. Nothing now offered itself to my sight but a frightful waste and solitude, an extreme poverty and wretchedness; the lands once smiling in beautiful luxuriance are now barren from want of cultivation; and houses and mansions are in total ruin. The neighbourhood of Paris itself evinces marks of disorder and devastation; the streets are deserted, and the roads overgrown with weeds. The whole has an appearance of fearful desolation."

shocking state of poverty and misery. The Duke of Albany, and Murdo his son, who succeeded his father in power and in title, anxious to pursue their superiority and condition, had favoured all the pretensions of the nobility, and made the wildest concessions in their favour. All the lands belonging to the crown had been bestowed upon their favourites; and the rents and revenues squandered away among their numerous partisans. James saw all these evils; and, being aware that vigorous measures would alone be crowned with success, he seized the Duke of Albany, his two sons, and his father-in-law, the Earl of Lennox, who had actively assisted Albany in his most violent excesses, and ordered their immediate execution. Having confiscated their extensive estates to the use of the crown, the monarch studied how he might root out the several existing evils, and most effectually heal the wounds of his bleeding country.

The measure which he first adopted, and on which he bestowed his whole attention, was the humiliation of the great barons, who had hitherto acted with unrestrained violence, and lived in daring independence of the sovereign authority.

It appears that the inhabitants of Scotland had early congregated together, and established a species of government known in our days by the denomination of Clanship. Among a people,

characterized for neglect of agriculture, and inattention to religion, prevalence of ignorance, cruelty of disposition, and ferocity of manners, it may easily be imagined that property would be ill protected, and the greatest excesses daily and hourly committed. Such, indeed, were the enormities of the people, that the legislature was compelled to adopt the necessity of punishing every criminal, whenever the hand of the law could reach the offending party, with the utmost severity. The power of the sovereign being weak, and ill suited to remedy the numerous daily recurring evils, individuals were compelled to form among themselves associations, for the purpose of mutually affording that protection which the laws were incapable of giving, and mutually joining in the defence of their lives and their property against the hands of rapine and violence. Hence originated those alliances which early prevailed, and till lately subsisted, throughout the Scottish kingdom.

As no military power can be of any efficacy, or its operations carried on with any degree of success, except it be well organized, and under the influence and direction of some superior, the command over such connexions was naturally vested in the hands of the chief lord of their lands.

Power is at all times flattering to the vanity of

man. When the lord beheld the blind submission of his tenants to his will and pleasure, he naturally endeavoured to conciliate their affection by every exertion in his power. Hence, by bestowing favours, by evincing kindness, by general attention to the welfare of that people, who had intrusted their lives and liberties into his hands, the most firm attachment was formed, the most disinterested friendship was the consequence. Alliance by blood served yet closer to rivet the connexion between chieftain and vassal. In former times there were few sources whereby the younger sons of landed proprietors could acquire distinction. The pride of the father would not allow his children to follow any other profession but that of arms, deeming every thing else unsuitable to the dignity of the family. Accordingly they were settled in farms, scattered around the habitation of their parents. Thus there were always many individuals on the estate, who, sprung from the ancient lord, and nearly related to the present chief, were closely connected by the most endearing ties of nature as well as of friendship. These considerations will, it is humbly hoped, assist in the elucidation of those reasons which induced the lower orders of the community to yield such implicit obedience to the commands of their superior lords.

During the reign of James this system of

clanship had arrived at an alarming crisis. Revenge, cruelty, and a thievish habit, were vices prevalent among his subjects. The undeviating attachment of the dependents to the person of their chief, the assistance afforded by each clan to every individual member of its body, and the support mutually given by the several clans to each other, when resistance to the sovereign power became necessary, completely foiled the weak efforts of justice. Hence violence and rapine prevailed throughout the country, and were even held in high estimation; inasmuch as they were, according to the notions of that age, manifest indications of daring courage and unshrinking bravery. Property was altogether insecure, tranquillity had fled, and honesty and industry were qualities totally unknown. James easily foresaw, from the posture of circumstances, that all his proceedings must be guided by wariness and caution; that all his measures must be regulated by coolness and circumspection. The sudden blow struck against the Duke of Albany, his sons, and the Earl of Lennox, added to the severity evinced by the monarch against several of the nobility, whom he held in prison in consequence of their treasonable practices, struck such terror into the hearts of those lords who were in attendance upon him, that they became doubtful of their own safety, and more willing to swear

submission to sovereign authority. Upon promises of amendment and future good conduct, James granted them a general pardon.

The King had in the meantime assembled the Estates of Parliament, and, with their consent, had framed and passed several new statutes for ensuring the protection of his people, and the preservation of tranquillity and good order. He quickly perceived the awe which the royal presence never fails to inspire into the hearts of subjects. Of this he took immediate advantage, and easily persuaded the Estates to swear, that if any should rebel, or conspire against his life, or should raise factions, or endeavour to introduce innovations without their permission and concurrence, they would assist him with their whole power and influence. Such, in short, was his perseverance and resolution, such the prudential measures which he adopted, that he soon reduced the lowland nobility into subjection. This partial success induced him to turn his exertions towards the subjugation of the Highland Chieftains: he accordingly ordered the castle of Inverness to be repaired. Thither he went at the head of a powerful army, that he might in his own person suppress the robberies, chastise the offenders, and administer justice. "He had heard," says Hawthornden, "that not many miles off there were men, some of which had one thousand, some two thousand

robbers at their call, who were accustomed to drive preys from the more civil neighbours and borderers, pulling and spoiling, polluting and ravishing, without any difference of right or wrong, holy or profane, but only following their ravenous and insolent humours. On the quieter sort they set tribute; others they compel to minister to their sustenance and necessaries. The God, prince, law which they obey, are their barbarous chieftains, amongst which he is thought the best who doth most transcend in villany." Such is the account of the Highlands given by the historian of the Jameses of Scotland. When the monarch, therefore, surveyed the condition of the country, and the manners of the people;—when he beheld the unlimited power enjoyed by the nobles, and the blind submission offered by their numerous retainers;—he was convinced of the dangerous nature of his enterprise, and guided his measures with a calculating caution and coolness. Accordingly, without evincing any marks of displeasure, he invited to his court all the leaders and chiefs in that district. If fair promises, and the hopes of obtaining the royal pardon, failed in their due operation, the threatened resentment of the King had some effect upon the movement of the barons. Having by such means induced forty of the principal offenders to trust themselves within the castle walls, he seized upon

their persons, and ordered their instant commitment. They were shortly afterwards brought to trial; when several, whose career had been one continued scene of blood and slaughter, devastation, and robbery, were condemned to death, their lives being justly forfeited to the violated laws of their country. After this severe example, the rest, under promises of future good conduct, were liberated, and swore allegiance to their monarch.

Thus the savage barons of the north, notwithstanding the fastnesses which encircled their castles, notwithstanding their power and influence among their vassals, were made sensible of the existence of a superior power, which could humble their pride, and punish their crimes. The importance assumed by landed proprietors was thereby considerably diminished. The activity of the King now continued unabated; his vigilance was ever watchful, ever on the alert; hence delinquents could entertain little hopes of escaping detection. An army was constantly kept in readiness, to send against the malecontents; and officers stationed in various parts of the country, to adopt immediate measures upon every emergency: and such, indeed, was the awe and terror inspired among the subjects by the authority and steadiness of the King, that the excesses of the barbarians became of rare occur-

rence. Peace again smiled upon the kingdom of Scotland; the people again enjoyed that tranquillity for which they had so long sighed, and to which, for many years, they had been such total strangers.

But the two principal measures adopted by James, which were productive of this truly wonderful change in the manners of his subjects, and in diminishing the power and authority of the nobles, were the institution of the Court of Session, and the alteration effected in the Convention of the Estates.

An influence and jurisdiction has been always attached to property. Even from the authority, although slight, vested in the persons of the Lords of the Manor during the present period, we may perhaps be enabled to form some crude opinion of the amazing power which the Barons in those lawless times arrogated to themselves. The feudal system had been for ages prevalent throughout the kingdom of Scotland. Every feudatory, without exception, on investiture of his fief, swore to be prompt and ready in the discharge and fulfilment of his feudal engagements.\* Limitation would be naturally threatened

\* There was always a power of recalling the donation, and cancelling the gift, reserved to the chief. The precariousness of the tenure, therefore, would of itself be a powerful inducement

in case of dereliction of duty, and forfeiture denounced against any violation of faith. The tenant, on bended knees, and with folded hands, promised homage, and swore fealty to his liege lord. These fiefs, however, were generally military fees; and the duty, for the most part required at the hands of the vassal, was military service. Trained, therefore, in the school of war, the tenants early learned the lesson of submission and obedience; inasmuch as they were accustomed to look upon their chief as their commander in arms: and this, added to the original necessity, and compulsion for willingness and subordination, will, in some measure, further explain the reasons of their wonderful submission and blind confidence. The dominion of the lord would, under the foregoing circumstances, be universal; and the readiness of the vassals to act in direct conformity to the determinations of the leader, would be prompt and unhesitating.

The transition from the leader in war to the judge in peace, is very easy and natural. The decision of the chief in any matter of dispute would be requested, and his judgment meet with every mark of reverence and attention. His sentences, however unjust, however partial, however hard,

ment to circumspection in behaviour, and an urgent motive to un murmuring submission on the part of the tenant.

would at his very nod be executed with promptitude. The Barons, therefore, surrounded by their fierce followers, shut up within their native fastnesses, and swelled with pride and self-importance, exercised an unlimited jurisdiction, and even assumed the power of life and death. The greatest violations, the most barbarous excesses, and the most bloody acts of ferocity, were consequently every day committed by these men, who pretended they were only wielding the sword of justice. The judicial authority being exercised after this fashion by the several proprietors, who had boldly assumed the office of magistrates, nay of princes themselves, who arrogated to themselves power without control, and dominion without qualification, must naturally have introduced many fresh and overwhelming evils and calamities, and have greatly increased the miseries of that unhappy period.

The power of the Sovereign being held in utter contempt, and the royal prerogative of administering justice not being recognised by the turbulent Barons, no establishment existed whose transcendent jurisdiction extended over the whole nation, from which the high and the low, the rich and the poor, all ranks and denominations, might expect impartiality; and to which they might, at all times, appeal for safety, succour, and redress. There was a Justiciary General, it is true, who

professed a power of adjudication in affairs of a criminal nature; but as the proprietors administered justice over their own estates, and as Parliament was wont to investigate all treasonable matters, his office soon fell into disuse, and the title for a considerable period became hereditary.

To counteract the before-mentioned evils, James, with the consent and approbation of Parliament, instituted a superior tribunal, which he denominated the Court of Session. This was composed of the Chancellor, and certain Barons, most distinguished for their fidelity to their Monarch, and their general skill, prudence, and literary attainments. The members were appointed to hold three Sessions in every year, at such times and places as his Majesty should appoint. The power exercised by this Court was paramount to every other, and its right of jurisdiction equally extended to every quarter of the country. It altogether suspended the useless office of Justiciary General; and robbed the Barons of their boasted privilege of adjudication. Though these last beheld the daily encroachments of the Sovereign, and the gradual diminution of their own authority and importance;—though they murmured at those hateful innovations;—still for them there was no alternative, except obedience: for the measures adopted by James were so prudential and cautious, that he always persuaded

Parliament to recognise his plans; and when once he obtained its sanction and assent, he then calculated upon success. If the Barons, therefore, refused compliance, they were immediately declared traitors and rebels; and as James always had an army in readiness, and experienced generals, in whom he could repose every confidence, the consequence may easily be imagined to have been favourable to himself.

Practice would soon make the Lords of Session dexterous in unravelling the intricacies of evidence; and daily experience would quickly increase their knowledge of the law. And as they exercised equal impartiality; and there, and there alone, the tenant could obtain redress and compensation for the violence and injuries inflicted on him by his unfeeling lord,—they speedily acquired great reputation and celebrity; and their court was always full of suitors, who, disgusted with the partiality of the tribunals to which they had long been accustomed to appeal, were anxious of bringing their complaints into that court, which would listen with coolness, and adjudge with candour.

I will now, with all possible brevity, consider the changes effected by James with respect to the convention of the Estates. In a feudal country, apportioned out among men who exercised every prerogative generally attached to princes,—who had seized upon the power of life and

death,—who lived in lawless independence of the sovereign authority,—whose will was arbitrary, and power despotic over their proprietary lands,—the influence of the Monarch would be of a very limited nature. He would, therefore, of necessity be compelled, in every act of the administration, to ask the advice, and obtain the assistance of those men in whom the power was really vested. The principal landholders and the great proprietors, consequently, upon all occasions, would be consulted; and they would be the men, whose presence would be most requisite in the general council of the realm. Titles, indeed, were very late in their date of existence in Scotland; and even when they were first created, they were only nominal dignities, and in themselves possessed not any intrinsic influence. The privilege of sitting in the national assembly was alone attached to territorial honours. The simple freeholder there possessed as much influence as the owner of a barony; although the latter possessed higher rank, greater consequence, and more ample jurisdiction, than the former. The simple baron\*, again, enjoyed as much importance as the possessor of a lordship; although

\* “No other feudal privileges higher than those of barony, are included in the erection of lands into an earldom, or a lordship, &c.; for these last are only titles of greater dignity conferred upon a barony, but all have precisely the same feudal effects.”—ERSKINE.

the ratio of difference was the same, between the lord and the baron, as between the baron and the freeholder. Every owner of land, whether of large or small extent, provided it were freehold, — whether dignified or undignified, — could boast of that peculiar privilege of sitting and voting in the national assembly.

No place had been exclusively appointed, where the meetings of the Parliament might be convened; that altogether depended on the will and pleasure of the King: and accordingly, we hear of occasional convocations, at Dairsy, Cambus Kenneth, Dunblane, and many other inconsiderable villages. The members on such occasions were required to travel, perhaps, from one extremity of the country to the other; along roads almost impassable, and at an enormous expense, for they were attended by a numerous and armed retinue: and as the number of their followers gave them an importance in the general assembly, each endeavoured to swell his train as much as possible. It may, therefore, reasonably be supposed, that the performance of the obligation would be disregarded, and attendance would rather be deemed a burden\*, than estimated an

\* The members of the Ecclesia or general assembly at Athens, seemed to be in like manner averse to attending the stated meetings, and transacting the public business: compulsion was oftentimes necessary, before the citizens would

honour. And especially as service did not open the way for preferment, and as they lived in utter contempt of the kingly authority, every one would exempt himself from unnecessary expense and useless trouble. Here, then, was another inlet to the most pernicious evils. This assembly had been seldom convened, and its sessions had been of short and trifling duration. In want of a legislative assembly, and the power of the King being totally disregarded, no laws could be framed for the safety of society, — no regulations formed for the benefit of the community. James was truly sensible of this defect in the constitution, and he endeavoured to model the Scottish parliament after the admirable method adopted in England.

As long as every freeholder was in the general assembly possessed of power equal to the greatest baron or lord, he would be contumacious and turbulent with impunity, in consequence of his own individual importance; especially as there was no adequate power to award punishment. James, therefore, wisely resolved to eject this class altogether from the parliament. As for the Barons, he determined upon introducing noble

give the necessary attendance. As an inducement, however, and in order to prevent further trouble, a gratuity of three shillings was offered to each member, which naturally made them more regular and methodical.

honours, unconnected with fiefs, which might of themselves privilege the holders to sit and vote: for, in ancient times, the nobility was not conferred upon the person, but upon the land. The lands were created into a barony, or lordship, or earldom, or marquessate, or even dukedom; and hence, the possessor of those lands, whoever he might be, in consequence of the very act of possession, and not from any intrinsic right in himself, was denominated baron, lord, earl, marquess, or duke. In accordance to this statement, all estates, on alienation, carried the dignities, the titles, and honours conferred upon, and annexed to them, from the original possessor to the new owner. A Baron, therefore, or an Earl, on selling his lands, ceased, immediately on the completion of the sale, to be distinguished by his theretofore customary denomination, which he was compelled to relinquish in favour of the purchaser. Of this practice several instances are upon record, and could be easily adduced, but they would swell this paper beyond its prescribed limits. The introduction of personal titles would, consequently, be attended with much difficulty and great danger, inasmuch as honour would thereby be disunited from property; and by that measure, the influence and consequence of the Barons be considerably diminished. A like difficulty and danger, indeed, would attend any endeavour to accomplish the

ejection of the simple freeholders ; and that, for very obvious reasons. The unpromising aspect of the task, however, did not deter the King ; and he was firmly resolved in attempting the innovations.

He accordingly made frequent convocations of the assembly ; and on each occasion he extended their deliberations farther than they had been customary in former times. He was, moreover, strict in exacting the attendance of every individual member ; so that the barons, who had theretofore officiated by proxies, as well as the freeholders, who had theretofore neglected appearing, were severally obliged to lend their presence. His motive for this was twofold ; first, to lead the barons into a *method* of guiding their actions according to the edicts of the general assembly, which they themselves had assisted in framing : and, secondly, to convince both parties, especially the petty freeholders, of the great inconvenience, or utter impracticability, of general attendance. His wish was gratified, and his measures crowned with success. The freeholders were made sensible of the trouble of general attendance, and were very willing to renounce that privilege.

Shortly afterwards, it was specifically ordered, that special summonses by precept should thenceforth be directed to each duke, earl, bishop,

abbot, prior, and lord, individually, requesting their attendance in parliament. The title of the freeholders was not denied, nor indeed was it acknowledged: no notice was taken of that class, nor any summonses directed to be issued to them. The unwillingness of that body, therefore, being stated by the Monarch to the assembly, a general statute was passed, whereby it was enacted, that in consequence of the inconvenience to which the small barons and free tenants were subjected on their attendance in parliament, and the great unwillingness evinced by that body on all such occasions, the assembly would dispense with their future services, on condition that each shire should annually choose any number of commissioners, such number never being less than two, to represent their constituents in the national convention. The deputies thus to be elected by the several counties, were not to be convoked by special summonses, as the nobles; but were to receive their commissions from their respective county barons, empowering them to "hear, treat, and determine" all matters and questions brought forward for the consideration of parliament. And further, that this elected body of representatives should, from among their own number, choose some wise and experienced person, to be denominated the common

speaker in parliament, who was to propose to the nobles all matters having any reference to the commons.\* This act, indeed, we may suppose the nobles to have passed with the greatest willingness and promptitude; inasmuch as they were jealous of that right being enjoyed by the simple freeholders, whereby they were placed on an equal footing with themselves. And there was no apprehension to be entertained, that every county would send a numerous body of representatives, and thereby obviate the intention of the statute;

\* "The parliament of old," says Sir George Mackenzie, "was only the king's baron court, in which all freeholders were obliged to give suit and presence in the same manner that men appear at other head courts. The parliament," he continues, "is called by proclamation now in forty days, though it may be adjourned by proclamation on twenty days preceding the prefixed day at which it should have met; but of old it was called by briefs out of the chancery. It consists of three estates, viz. the archbishops and bishops, and before the reformation, all abbots and mitred priors, sat as churchmen. Secundo, the barons, in which estate are comprehended all dukes, marquesses, earls, viscounts, lords, and the commissioners for the shires; for of old all barons who held of the king did come: but the estates of lesser barons not being able to defray this charge, they were allowed to send commissioners for every shire; and generally every shire sends two, who have their charges borne by the shire. Tertio, the commissioners for burghs royal, each whereof is allowed one, and the town of Edinburgh two."

but rather, that they would prefer electing as few as possible, inasmuch as the constituents were directed to discharge all the expenses of their respective members, and to pay them considerable wages\* during the period of their attendance upon their public duties.

\* The system of payment of wages to the several knights of the shires, had been previously adopted in England. By a writ of Edward III., which has been published by Rymer, it was directed that villeins as well as freeholders, should equally contribute to disburse the wages of knights representatives, although the former class of people never enjoyed the privilege of the elective franchise. I will here just advert to the modes by which cities and boroughs were anciently summoned to attend the British parliament. The earliest writs upon record, are those of the 49th year of King Henry III., which are not directed to the sheriffs, but to the several *places* entitled to send representatives. This custom of transmitting writs directly to the cities and boroughs intended to be summoned, was occasionally resorted to in the reigns of the three successive Edwards; though in the 11th of Edward I. a great alteration was introduced. Writs were then issued to the several sheriffs, directing them to return four representatives from every county, and two from every city, borough, and market town, in the district of their respective bailiwicks; such representatives to be invested with full and ample powers by their several constituents, to act, treat, and determine all matters offered for their consideration in parliament. And in the 23d year of the same monarch, (which may be considered as the grand epoch of the present system of legislature), writs were issued to the several sheriffs, ordering them to make a return of two knights from every county, and the like

By degrees, James removed all the obstacles, which offered to oppose the establishment of the long meditated alteration. By the before stated measures he dispossessed the freeholders of their inelective seats in parliament, — compelled the barons to observe a greater degree of regularity in their attendance, than to what they had theretofore been accustomed. The introduction of personal honours severed the privilege of sitting and voting from landed property, which thereby became greatly depreciated, and the power enjoyed by the barons underwent an amazing diminution. The steadiness and activity of the sagacious monarch brought the nobles to a right sense of their duty, and made them sensible that even *they* were amenable to the laws of their country; and as, in former times, each member of the national convention made his appearance with numerous armed attendants, ready at the very beck of their lord to commit any deed of violence, — the king ordained that their retinues should be so reduced, as merely to serve the purposes of decency, without endangering the peace of the community, or the lives and property of his subjects. The careful vigilance of his police rendered the commission of crimes, and perpetration of citizens from every city, and of burgesses from every borough, for the same purposes and with the like powers as aforesaid.

tration of offences, of rarer occurrence. By such means did James benefit his kingdom of Scotland.

But the services which this good monarch did his native country, were more numerous than these; though these of themselves are sufficiently great to endear his memory among his own countrymen. He found his people indolent, lazy, and incapable of exertion;—he left them a hardy and laborious class,—fond of exercise and activity, and daily employing themselves in agriculture and the labours of the field. He made several admirable regulations respecting the cultivation of land. To forward the objects of husbandry, he paid particular attention to improvement in the breed of cattle, especially of sheep, cows, and horses: the latter, indeed, was more easy, in consequence of Alexander Stewart, Earl of Mar, having imported into Scotland numerous stallions and mares from Hungary.

Next to a substantial agriculture is the promotion of arts and manufactures. “The roughness of the times,” says Hawthornden, “and perpetual wars and troubles of his ancestors, had nearly taken away the arts and handicrafts, and turned the sciences contemptible, especially since the reign of Alexander the Third. The commons, by the manifold changes and miseries of the age,

affecting barbarity, the nobles making arms their whole study and care: to the further advancement of the commonwealth, and that his subjects might have occasion to avoid sloth and idleness, the king, from the neighbour Continent and from England, drew unto him the best citizens and manufactors whom either large privileges or monies could entice and oblige. Of which such a fair number came, and were so graciously received, that they forgot their native countries, and here made their perpetual abode." Thus James had at heart the real good and advantage of his country. The handicrafts had fallen into disuse, and were from inattention very imperfectly understood. In order that his subjects might acquire the needful instruction, and thereby add materially to the conveniencies of life, he allured artificers and manufacturers, at an extravagant expense, from Brabant and England. Privileges were granted to the industrious, and rewards allotted to the meritorious. He even conversed with them respecting the nature of their trades and professions, and received instruction himself in the mechanical arts, at which he oftentimes worked by way of amusement.

Like Charlemagne, or our own immortal Alfred, he promoted literature in every department. He beheld the ignorance to which his subjects were

reduced, — he plainly perceived the dark cloud which enveloped their understandings, — and he pitied their forlorn and wretched condition. The intellectual improvement of his subjects became the object of his anxious wishes. He, therefore, founded and liberally endowed many schools and seminaries, where philosophy might be taught, learning cultivated, and the sciences investigated. He endeavoured, by every means, to entice into his dominions men celebrated for their intellectual superiority, and their love and attachment to learning. He held out a general invitation to the scholars attached to the continental universities; and to such as accepted his offers and visited his dominions, he behaved with unremitted attention, and treated with princely munificence. He admitted them at all times to his presence and his conversation, and spent much of his vacant time in attending their schools and listening with reverence to their instructions. And further, to make a necessity of learning, he ordered that the nobility should never succeed to their patrimonial estates, except they had attained a certain degree of proficiency in learning, particularly in the Civil Law.

He uniformly advanced learned and good men to benefices and church preferments, in order that by the propagation of orthodox doctrines and

their exemplary living, they might be of real utility to the country. And, to further this truly laudable object, he distinguished the learned by Degrees, at the same time enjoining, that none should occupy the situation of Canon in any cathedral church, excepting he ranked as bachelor in divinity. He, indeed, paid every attention to the regulation of church affairs, which had fallen into great disorder. It was in this reign that organs were first used during divine service in Scotland.

Thus in every department personal merit was highly respected by the king, and liberally rewarded. Indolence was checked, and idleness punished. Rank and dignity had less influence with him, than intellectual capacity and mental proficiency. In a very short period, therefore, the most wonderful effects were visible throughout the whole country, and the most rapid improvement among his theretofore uncivilized subjects was the immediate consequence of his exertions.

After having attended to matters of greater importance, James turned his thoughts towards encouraging elegant manners and polite assemblies. This, indeed, would considerably add to the relish derivable from their intellectual acquirements, as well as ameliorate their rusticity, and

polish their rudeness. This would also greatly enlarge their views and ideas, and introduce among them habits of cleanliness, decency, and decorum, to which the Scottish people were complete strangers. The king, therefore, with the assistance of the English, who had attended the queen into Scotland; and also the French, between which people and his subjects there had been much intercourse during the period of James's captivity in England, commenced the truly arduous undertaking. Balls, masks, concerts, theatrical amusements, and every species of diversion, shortly became common and fashionable. Music was eagerly cultivated, especially as the king, who was gifted with a melodious voice, and could play admirably upon several instruments, showed the example. The increasing luxury and refinement of the age has been scandalized by several writers,\* with whose dispositions they did not

\* Hawthornden speaks on this point in very warm terms. "Peace," says the historian, "hath its own dangers no less than wars; yea, often such estates as have increased their dominions, and become mighty by wars, have found their ruin in a luxurious peace; men, by a voluptuous life, becoming less sensible of true honour. The court, and by that example the country, was become too soft and delicate, superfluous in all delights and pleasures. Masques, banqueting, gorgeous apparel, revelling, were not only licensed, but studied and

accord: but although they become pernicious and unfavourable to society when carried to excess, still, in moderation, they are productive of most beneficial consequences. Of this, indeed, we have an example in the Scottish people, whose fierceness and brutality quickly vanished, and who were speedily induced to exercise civility, and the gentle arts of social life.

The fate of James was truly lamentable; but I will not trouble the reader with a perusal of the narrative. Every one must have heard of the horrible treason of Athol, Stewart, and Graham; of

admired. Nothing did please what was not strange and far brought; charity began to be restrained, public magnificence falling in private riot. What was wont to entertain whole families, and a train of goodly men, was now spent in dressing of some little rooms, and the womanish decking of the persons of some few hermaphrodites." So speaks the historian; but he has certainly taken an erroneous view of the case, and his irritation has been falsely roused. It is impossible that in the short space of thirteen years (the period of James's reign), Scotland could have become so corrupt as he would represent. It is a complete absurdity. I would recommend to the perusal of the reader Hume's "Essay on Refinement in the Arts," where, with great ingenuity and force of argument, he has proved that "the ages of refinement are both the happiest and most virtuous; and that whenever luxury ceases to be *innocent*, it also ceases to be beneficial; and when carried a degree too far, is a quality pernicious, though perhaps not the most pernicious to political society."

the murder of the best of kings ; of the affectionate behaviour of the amiable queen ; of the fidelity of the brave Dunbar ; and the generous conduct of the noble-minded Catherine Douglas ! Suffice it to say, that the king fell a victim to private hatred and daring ambition : — he fell, — but ample vengeance was taken upon the perpetrators of the horrid crime. So universal was the grief of his loving subjects, that Æneas Sylvius, who at that period was the pope's legate in Scotland, declared that he was at a loss which most to commend, the general sorrow which overspread the nation on hearing of the death of their monarch, or the alacrity with which they flew to wreak ample vengeance on the savage perpetrators of the crime.

I have now, with very inadequate powers, endeavoured to describe the benefits bestowed by James upon his people of Scotland. An Hume, a Robertson, or a Gibbon, might here have found an ample field for the employment of their rhetoric ; or a Scott might have furnished much more interesting matter ; — but if I shall have awakened any degree of curiosity in the reader, to induce him privately to investigate this matter, I shall not consider my labour in vain. A prince so good, — so noble, — so just, — so liberal, — so generous, — so kind, — so affectionate, — may

well deserve the appellation of the Patriot King of Scotland. To him might be applied — what Hamlet says of his father: —

“ He was a man, take him for all in all,  
We shall not look upon his like again.”

ON

PATRIOTISM.

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"The service of our country is no chimerical, but a real duty. He who admits the proofs of any other moral duty, drawn from the constitution of human nature, or from the moral fitness and unfitness of things, must admit them in favour of this duty, or be reduced to the most absurd inconsistencies."

*Bolingbroke.*

IN the human mind nature has implanted a variety of passions, some of which have a tendency to produce the most pernicious consequences; while others are productive of the best, the greatest, and the most glorious ends. The first it is our interest and bounden duty totally to eradicate; and, if the frailty of nature denies absolute dominion and mastery, at least to keep them as much as possible under the subjection of reason. Those passions, however, which Providence has sown in the human breast, for the wisest and most beneficent purposes, we ought to cherish and cultivate with the utmost care and assiduity.

Among the best and most noble virtues, patriotism claims a high station, inasmuch as it

not only embraces in its purpose the good of one individual, but the welfare of a whole community, of millions of our own species. When I speak of patriotism, I mean that ardent love of our country, which invites not only to common exertions, but which will induce its possessor to sacrifice his own interest, his fortune, nay even life itself, for the good of the land which gave him birth.

That this virtue, in its most exalted sense, is very rarely to be found, is a truth which observation and experience sufficiently warrant; because, for its production, the finest and most energetic qualities of the heart must be necessarily joined to a highly cultivated, enlarged, and powerful understanding. The heart and the head must both lend their kindly assistance, and most minutely agree and concur in the formation of this phenomenon.

Of all the passions, none have ever exalted the human character more than true patriotism. No names stand so pre-eminently great in the annals of fame as the names of those illustrious individuals who have willingly sacrificed themselves for the welfare of their fellow-citizens. In comparison to them, what are the conquerors of the earth? The former have immortalized themselves, as the benefactors of mankind; the latter, though surrounded by a blaze of glory, though

conquered kings have lowly bended the knee, and fawning sycophants and smiling courtiers have sung their praises in songs of adulation, appear to the reflecting mind what they really are, murderers, — robbers; — in short, scourges sent by an offended Deity to inflict his chastisements on the sinful and offending race of man.

None but a truly barbarous age can applaud the slaughter, and devastation, and outrage, and violence, committed by the conqueror. Alexander, and Cæsar, and Tamerlane, have had their day of glory; — they have long since passed away! They live now but in the pages of the historian, and what benefit have all their mighty conquests done the world! Have posterity any reason to bless their memory for a single act? — Whence, then, tend all the eulogia passed upon their names? These are questions which may well be asked. Their very actions, which have been the theme of the flatterer, and the song of the poet, are every day growing more faint and obscure; — a few more years, and the waves of oblivion will wash away all remembrance; — thereby showing the futility of human pride. They lived more for themselves than for their fellow men, whom they made the leading step to the attainment of their ambitious projects, and the accomplishment of their mad schemes. Their

renown was obtained by violence and bloodshed; how can their memory be cherished with gratitude or affection? Better, then, — far better it had been, had destiny appointed them the contented and useful inhabitants of an humble cottage, than the restless, aspiring, and cruel votaries of ambition.

But true patriotism has a kindlier allotment. The individual who has lived for his country alone; who has forwarded her interests, and toiled for her welfare; who has denied himself the delights of social life, and domestic comfort; who has yielded up his wealth, and treasures, and worldly goods, not even sparing life itself, and that, perhaps, in the full bloom and vigour of manhood; surely he has a claim upon posterity, — upon succeeding generations of his countrymen. Well indeed may after ages be grateful to his memory, — the memory of a true patriot!

History presents a long list of illustrious individuals who have bravely fought, and nobly died in their country's cause. Regulus suffered the most excruciating tortures, and the cruelest of deaths, rather than betray the dignity of Rome. Her expiring liberty Cato would not survive; but, in his patriotic bosom, sheathed that sword which he could not draw in her defence. I need not swell this essay with a relation of the bril-

liant examples which the self-devoted Decii presented, or of the glorious sacrifice of Leonidas and his gallant band, who, although overpowered, but yet unconquered — crushed to the earth, but not humiliated — surrounded by thousands of their invaders — pierced and wounded by a thousand blades — still remained firm and unyielding, and gallantly fell around their leader, unsubdued even in the very pangs of death. And although the tear might have swelled in the eyes of surviving friends, and affection heaved a sigh to the memory of the departed; although melancholy might have seized the heart, and sorrow undermined the constitution; still that melancholy and that sorrow must have been tintured with a certain sweetness, with a gentle pleasure, from the consideration that they died not in infamy; they died not victims to the transgressed laws of their country; but breathed their last sigh in the field of glory, for the best interest and welfare of their native soil.

Those men, though they existed many centuries ago, Fame has so covered with never-dying praise, that their actions must be familiar to every classic scholar; and to those who have delighted to peruse the pages of history, their names have become consecrated, still continuing, like spells, to arouse heartfelt admiration at their actions, and sorrow at their untimely end. To these, indeed,

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are the following beautiful lines of Virgil applicable:—

“Fortunati ambo! si quid mea carmina possunt,  
Nulla dies unquam memorem vos eximet ævo;  
Dum domus Æneæ capitolii immobile saxum  
Incolet; imperiumque Pater Romanus habebit.”

But even in modern times this patriotic feeling has shone forth with the brightest effulgence. Who can pronounce the names of a Nelson, — an Abercrombie, — a Wolfe, — a Picton, — or a Wellington, — without the highest admiration, without the deepest veneration! They have so recently astonished the world with their exploits, that every infant is taught to lisp their names. But if patriotism burst from the bosom of the dignified statesman, or the illustrious hero, it also warms the heart of the lowly peasant, and is extinct in the minds of those only, who, either perverted by fallacious reasonings, or long hackneyed in the most abandoned courses, are rendered insensible to all benevolent affections.

Lord Bolingbroke has in most animated strains discussed the subject of patriotism. The following is one of his observations:—“Neither Montaigne, in writing his Essays, nor Des Cartes, in building new worlds, nor Burnet, in framing an antediluvian earth, no — nor Newton in discovering and establishing the true laws of nature on

experiment and a sublime geometry, felt more intellectual joys than he feels who is a real patriot, who bends all the force of his understanding, and directs all his thoughts and actions to the good of his country."

If *I* were asked why different men were devoted to different soils, in preference to others, my answer should be drawn from those fine feelings which spring up in the bosom from the association of certain agreeable ideas with a consideration of the circumstances which gave them birth, and of the situations in which the first impressions were received. I would trace the fair blossom of patriotism from the tender bud of infancy until the increasing years of manhood had nurtured it into a full blown flower. If, on consulting my own feelings, I found that in my childhood I felt a respect, almost approaching to adoration, for that home where a parent's tender arms were stretched out to receive me, and imprint on my cheek the kiss of affection; — if, on reverting to the period when reason first dawned upon my soul, I delighted in viewing those scenes where I had imbibed the first principles of instruction; — if, as the fervour of youth began to glow upon my cheek, and the warmer passions to struggle in my bosom, I had formed acquaintances and gained friends worthy of my greatest esteem; I should certainly venerate that land which had

afforded me so many blessings. And it is to all these circumstances to which I should refer as the cause why the patriot passion was engraven on my heart. However inclement our native clime, we deem it the best, and prefer it to every other. It was this feeling which made Ulysses prefer the barren rocks of Ithaca to the fertile fields, the luxuriant groves, and the enchanting grottos of Calypso. It is this which makes

“The shuddering tenant of the frigid zone  
Boldly proclaim that happiest spot his own;  
Extol the treasures of the stormy seas,  
And his long nights of revelry and ease.”

“I should prefer,” says the amiable, the feeling, and the sentimental Zimmerman, “I should prefer a residence in my native fields to all others; not because they are more beautiful, but because I was there brought up.” The spot on which we pass our earliest days possesses a secret charm, — an inexpressible enchantment, — superior to any other enjoyment, and the loss of which no other country can compensate. Inspired by this,

“The naked negro, panting at the line,  
Boasts of his golden stores and palmy wine;  
Basks in the grove, or stems the tepid wave,  
And thanks the gods for all the goods they gave;  
Such is the patriot’s boast, where’er he roam,  
His first — best country — ever is his home!”

I cannot pass over a beautiful simile, which the elegant and descriptive poet draws on contemplating the great attachment of the rugged Swiss to his native mountains :—

“ And as a child, whom scaring sounds molest,  
Clings close, and closer to his mother's breast ;  
So the loud torrent, and the whirlwind's roar,  
But bind him to his native mountains more.”

These are the admirable, the delightful, and the interesting effects of patriotism ; but, like every other affection, it is sometimes capable of hurting the body, and it is then termed *Nostalgia*. In a full and complete dissertation on Patriotism, some account of this disorder might be given ; but as it fortunately is of very rare occurrence, and few persons suffer from its effects, except the natives of Switzerland or of Lapland, I may be allowed to omit entering into any minute description of the symptoms or features of this complaint. The following instance, indeed, I may be excused in mentioning. When the pastoral air, termed the “ *Ranz des Vaches*,” usually sung by the Swiss mountaineers, in order to collect their cattle, was heard by the Swiss soldiers in foreign service, the effect produced by the music was really wonderful. Whether played, sung, or even whistled, it always created in their bosoms the most violent emotions. Few

could so far master their feelings as to restrain their tears;—many deserted, to return to their much-loved home;—that home which Homer has so beautifully called the *πατρίδα γαίαν*;—and many fell victims to the effects of the nostalgia. The officers commanding the Swiss regiments serving in France and Holland strictly forbade that tune being played by those troops, under the penalty of death. To the above disease the French gave the name of the “*maladie du pays*!”

But patriotism has been often abused, and its sacred name assumed by the worst enemies of the country, as a cloak to cover their secret machinations, and as a step whereby they may obtain an ascendancy in society, and mount into power. This has been done in various ways. The avarice and ambition of one individual having raised his spleen and envy in beholding men enjoying lucrative situations under government, he has been led to revile them;—to hold them up to ridicule in every possible method;—to criticise their actions;—to pry into their connexions, for the very purpose of ridiculing, and bringing them under public disapprobation. This has been termed patriotism! And the cause for this great misapplication of names is simply, because in the eyes of the world this appears like nobleness of heart, and steadiness of principles, and love of probity. Another individual will declaim respect-

ing native liberty,—constitutional freedom,—rights and privileges, for the express purpose of obtaining popularity. Shallow as the artifice is, his purpose is speedily answered, and his real motives mistaken, by a supposition that he is actuated by manly opposition against the strides of power. A third will take every opportunity of inflaming the mob, of exciting their passions, of endeavouring to show, by every sophistical argument, the rottenness of the state;—and this has been termed patriotism! In short, though it has been an axiom granted in all ages, and at all hands, that patriotism and badness of heart are incompatible, still, in direct contradiction to the above position, the very worst of men, and the blackest of characters, have been held up to the admiration of the world as patriots!—so far has delusion prevailed. On this point I have been induced to touch, because\* for some time the spirit of insubordination has been wildly stalking throughout the country; has been persuading the people, through the means of a set of pseudo-patriots, to throw every resistance into the way of government. It was this which induced the inhabitants of Birmingham, in direct opposition to the law of the land, to elect a legislative attorney as their representative in the British parliament! But the

\* In the year 1819—20.

orators, — the leaders, — or the heads of the factions, which have been raging throughout this island, — these *Dii majores gentis*, — what are they? Wolves in sheep's clothing; — who have undertaken the cause of opposition, not conscientiously, — not from an idea that the present system of government is corrupt and requires alteration; — but from the most selfish motives; or, as Lord Bolingbroke says, “ They undertake opposition not as a duty, — but as an adventure: and looking upon themselves like volunteers, — not like men listed in the service, — they deem themselves at liberty to take as much, or as little of the trouble, and to continue in it as long, and to end it as soon, as they please.” And what is the grand object of these mighty men? The re-modelling the state! What! overturn the long established laws, — alter the constitution, — that constitution, for which our forefathers fought, — for which they bled, — and which they so hardly obtained! That constitution, which has ever been the pride, — the glory, — the boast of Englishmen, and the envy of Europe; nay, not of Europe only, but of the whole world! To such men the following passage is truly applicable: —

“ *Gloster*. What if some patriot, for the public good,  
Should vary from your scheme — new mould the state?

*Hastings*. Curse on the innovating hand attempts it!  
Remember him, the villain, righteous Heav'n,

In thy great day of vengeance! Blast the traitor  
And his pernicious counsels, who for wealth,—  
For power,—the pride of greatness,—or revenge,—  
Would plunge his native land in civil wars!”

I shall conclude with observing, that, as the spirit of patriotism is one of the noblest principles which can adorn the human character, I hope it will ever animate the breast of every true-born Englishman. Let us follow the examples of those illustrious men, whom we have admired and venerated for their patriotic feelings; and although we are not competent to become Catos, or Nelsons, or Wellingtons; yet, let us at least follow them at an humble distance, and endeavour to perform the parts of good and faithful, and useful citizens.



**CONSIDERATIONS**  
**ON THE**  
**MORAL AND POLITICAL CAUSES**  
**OF THE**  
**DOWNFAL OF THE ROMAN EMPIRE.**

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*"In urbe luxuria creatur: ex luxuria existat avaritia necesse est: ex avaritia erumpit audacia. Inde omnia scelera ac maleficia gignuntur."*

**THE** history of Europe never fails to furnish ample matter for observation and deep reflection. The present establishment of kingdoms,—the rise and consequent progress of arts, sciences, and literature,—the origin of subsisting laws, of manners, of customs, and institutions, demand particular attention. Europe has been the stage on which, both in ancient and modern times, the human character has appeared to greatest advantage: it has there alone approached the most perfect form, and attained the highest degree of civilization. Although improvement first originated in the East, still there it only existed in its

state of infancy ; in Europe it increased to the fullness of maturity. Greece and Rome were the great luminaries of the West. From those fountains of knowledge has flowed the learning of modern times ; though, in many respects, it has received a polish unknown to the ancients. That knowledge had arrived at a comparative degree of excellence in parts of Asia and in Egypt, is undeniable ; but its existence was transitory, like the course of the meteor in the heavens ; it shone for a moment, and then was lost in darkness. Though improvement, and civilization, and science, have had their fluctuations in Europe,—though during the middle ages they were apparently overwhelmed by darkness,—still, like the summer sun, they left a twilight behind, which, after a certain period, again burst forth in brightness and effulgence.

After the conquest of Greece and Asia, Rome turned its successful arms against the barbarians of the North. These obstinately defended themselves, and with an extraordinary degree of courage long defied the legions of Rome ; but not being equal to their invaders in the art of war, they were compelled, however reluctantly, to surrender up their lives and their liberties. But many had perished in the struggle, and many had been carried into slavery, — many also had fled into the inaccessible mountains of the

North, and there sought and enjoyed that freedom which was denied them in their native soil. There, indeed, they lived, brooding revenge: and when time had sufficiently increased their numbers, they rushed down with the impetuosity of the mountain torrent, overturning the fabric of the Roman empire, — changing the political and moral state of Europe, — establishing new kingdoms and governments, — and introducing new manners, new customs, new dress, language, and opinions.

Hume observes, “ that most conquests have gone from North to South; and that thence it has been inferred, that the northern nations possessed a superior degree of courage and ferocity. But it would have been juster,” continues he, “ to have said that most conquests have been made by poverty and want, upon plenty and riches.” Every one must allow that the Romans were, at the period above mentioned, destitute of all courage and energy; and for this, the sloth into which they were sunk, and the degree of luxury and effeminacy to which they had arrived, will sufficiently and satisfactorily account.

After these preliminary observations, I beg leave to suggest a few considerations on the causes of the mighty revolution, which the Roman empire underwent, and the consequent influence of that revolution upon society. In this I shall

not confine myself to a connected series of deductions, but freely offer such remarks as may occur.

Industry and discipline, justice and moderation, raised Rome to the pinnacle of greatness; but it unfortunately carried within its bosom the seeds of destruction. The jealousy between the patricians and plebeians, without a balancing power, made ruin inevitable. “*Nolite existumare, majores nostros armis rempublicam ex parvâ magnam fecisse. Si ita res esset, multo pulcherrimam eam nos haberemus: quippe sociorum, atque civium, præterea armorum, atque equorum major copia nobis, quam illis, est. Sed aliâ fuere, quæ illos magnos fecere, quæ nobis nulla sunt: domi industria; foris justum imperium; animus in consulendo liber; neque delicto, neque lubrico obnoxius* \*.” Such was the delineation of the character of the early Romans, according to the opinion of Porcius Cato. He continues noticing the degeneracy in his own days. “*Pro his nos habemus luxuriam, atque avaritiam: publicè egestatem, privatim opulentiam: laudamus divitias, sequimur inertiam: inter bonos et malos discrimen nullum: omnia virtutis præmia ambitio possidet* †.”

In consequence of the continual jealousy raging

\* Sallust. Bell. Catilin.

† Ibid.

between the higher and lower orders of the people, a balancing power became absolutely necessary. When Cæsar had seized upon the Roman empire, it then certainly possessed one; but, unfortunately, the favourable moment had passed, never more to return. Had that circumstance occurred previously to the pillage of Greece, or the conquest of Asia, all had perhaps been well: but when those occurrences happened, which, superficially considered, wore a favourable appearance; but, philosophically, were in every way detrimental and injurious, — Roman valour and Roman discipline quickly vanished. Of the conquest of Asia, Sallust speaks after this fashion. “Sed, postquam L. Sulla, armis receptâ republicâ, bonis initiis malos eventus habuit; rapere omnes, trahere: domum alius, alius agros cupere: neque modum, neque modestiam victores habere; fœda crudeliaque in civis facinora facere. Huc accedebat, quod L. Sulla exercitum, quem in Asiâ ductaverat, quò sibi fidum faceret, contra morem majorum luxuriosè, nimisque liberaliter habuerat. Loca amœna, voluptaria, faciliè in otio ferocis militum animos molliverant. Ibi primum insuevit exercitus populi Romani amare, potare, signa, tabulas pictas, vasa cœlata mirari; ea privatim ac publicè rapere, delubra spoliare, sacra, profanaque omnia polluere\*.” In consequence,

\* Sallust. Bell. Catilin.

therefore, of the influx of the Asiatic wealth, added to the Grecian refinements, the rigidity of the Roman character was destroyed. A spirit of discontent, of disaffection, and equality, was circulated among the lower orders of the people.

“ When Adam delv'd and Eve span,  
Where was then the gentleman \*?”

Avarice became the predominating vice among the patricians. Sloth, voluptuousness, and sensuality, were striking features in their character. Thus circumstanced, they could not brook a superior; consequently, intrigues, conspiracies, and seditions, commenced speedy operations among a proud and discontented people.

After the unfortunate end of Julius Cæsar, the country was inundated with all the evils attendant on civil warfare. Fathers were inflamed with deadly animosity against their sons; brothers against brothers.

“ In every heart  
Are sown the sparks that kindle fiery war ;  
Occasion needs but fan them, and they blaze.  
Cain had already shed a brother's blood :  
The deluge wash'd it out ; but left unquench'd  
The seeds of murder in the breast of man.”

And notwithstanding the prosperous reign of

\* These two lines were part of a ballad written in the time of Richard II., when a similar spirit of equality was abroad among the lower orders.

the second Cæsar, such had been the calamities, — such the oppressions under which the country groaned, — that *Augustus* could ill repair the excesses committed by *Octavius*. During this reign, however, literature raised its drooping head ; and, under the kindly beams of a cherishing sun, again flourished in luxuriance. The literary talents and political abilities of the Augustan age have received, and will continue to excite, the deserved praise and profound admiration of posterity\*.

But, under the sway of the successors of Augustus Cæsar, rebellion again reared its Gorgon head, and civil commotion raged with unabated virulence. The people laboured under the merciless tyranny of inhuman monsters, who gloried in debauchery, profligacy, and in the commission of every atrocious crime. With such examples before its eyes, the court became abandoned, and shamelessly gave way to every excess which it beheld committed upon the throne. There were only a few exceptions to this general condemnation, and they appeared

“ Like angels’ visits,—short and far between.”

\* “ *Lorsqu’ Auguste eut conquit l’Egypte, il apporta à Rome le trésor des Ptolomées ; cela y fit à peu près la même révolution que la découverte des Indes a fait depuis en Europe.* ” — *Considérations sur les Causes de la Grandeur des Romains et de leur Décadence, par Montesquieu.*

So that though their efforts towards a reformation might be crowned with success, such success was only temporary; but they never produced permanent improvement.

Previously to this period, however, two circumstances had occurred, which, though apparently fortunate, were, however, productive of the most fatal consequences; inasmuch as they hastened the above-mentioned deterioration of manners, and extinction of liberty,—the fall of Carthage, and the expulsion of the Gauls from Italy. During the existence of the rival of Rome, the attention of the people was kept alive with the endeavour of humbling her power, and of compelling her to crouch in submission to the mistress of the world. Immediately on the fall of Carthage, the Romans were contaminated with the self-same vices which marked their rival state. “Carthage, qui faisoit la guerre avec son opulence contre la pauvreté Romaine, avoit par cela même du désavantage: l’or et l’argent s’épuisent; mais la vertu, la constance, la force, et la pauvreté, ne s’épuisent jamais\*.” But, after the overthrow of the Carthaginian republic, the Romans completely degenerated. The Gaulic possessions in Italy caused incessant alarm and

\* *Considérations sur les Causes, &c.*

apprehension to the citizens of Rome, and fear and sense of impending danger knitted them closer in the bonds of amity and union. But as soon as the banishment of the Gauls was effected, the people had time for reflection; and as nothing existed without the walls to attract the public attention, it was naturally turned to scrutinize and canvass the occurrences within the city.

Disputed successions convinced the soldiers of the power and influence intrusted to their hands. They even carried their insolence so far, as, by public auction, to dispose of the imperial purple: but, although to the emperors thus elected they took the oath of allegiance, still that oath was a feeble barrier to their avarice, rapacity, and licentiousness. They openly murdered one prince, to exercise the like extortion upon his successor. This system was carried on to the most alarming extent. Emperor succeeded emperor in rapid succession, all severally sharing a violent death, and none dared to dispute the arrogant pretensions of the army. Although the wisdom of Nerva,—the valour of Trajan,—the warlike abilities of Adrian,—and the virtues of the Antonines,—had raised some respect in the bosom of the soldiery, and awed them somewhat into subjection; nevertheless, under their successors, the abuses attendant on

military government were carried to the wildest excesses. The soldiers, in short, became professed robbers, and openly pillaged and plundered their native country. Whoever squandered the largest sums among them, was easily proclaimed emperor: thus numberless rivals were contending and deluging the empire with human blood, in order to obtain the tottering throne. The frightful disorder visible in the succession at length arrived at its climax. On the death of Valerian, and during the reign of his son Galienus, the country was divided between thirty competitors, who were at once striving and contending for the possession of the imperial dignity.

In order to counteract the ever-wakeful and oft-recurring treasons of the soldiery, the emperors associated with themselves some persons in whom they could place the most firm and implicit reliance. Diocletian, alleging that the immense extent of the Roman empire precluded the possibility of one man being enabled to direct the helm of government, ordained, that from thenceforth there should be two emperors, and two Cæsars. The number of the prefects of the pretorian guards, who, on account of the rank they held, and the power they exercised, were generally the leaders of every sedition and rebellion, was by Constantine increased from two to

four. By this increase in number their individual power became greatly diminished.

The emperors from that time enjoyed a security to which theretofore they had been total strangers; they no longer died by the hand of violence. Manners became softened, and a less degree of ferocity marked the actions of that period: but a new species of tyranny, subtle and underhanded, then became visible. Instead of slaughter and massacre, iniquitous judgments were pronounced, which prolonged the period of life, in order to let the victim feel what punishments and torments tyranny could inflict. The court was governed and directed in every thing by artifice: all was whispered or insinuated,—nothing was done in the open face of day. The emperors themselves were immersed in pleasure, sunk in softness and voluptuousness, and fond of every indulgence. They became more accessible to sycophants and flatterers,—more alive to the charms of beauty,—more secluded in their palaces,—and more indifferent to matters of state. Their ears were open to every tale, which slander could utter, or malice invent. Attacks were made against the characters of men of the highest reputation, and the ablest civil and military officers found themselves exposed to the mercy of men, who were incapable of serving the state themselves, and did not possess the disposition of allowing others

to do it with any degree of credit or satisfaction\*.

Another material cause, which operated considerably in humbling the grandeur of Rome, and in exposing it to the incursions of the Northern barbarians, was the removal of the imperial seat to Constantinople. I will not now endeavour to investigate the causes which influenced Constantine to undertake that measure. It might have been the consequence of mistaken policy, or blind vanity. In order, however, the more effectually to secure the new capital, the legions which were stationed on the banks of the Rhine and the Danube, and the frontiers of the empire, were removed and dispersed throughout the Eastern provinces. Italy, crowded with beautiful villas, had been with propriety styled the garden of Europe. There the voluptuous nobles had lived, surrounded with pomp and grandeur. It had received its yearly supplies of corn from Sicily, Egypt, and Africa; but on the removal of the imperial court, the nobility left their estates under the management of their slaves. Italy became in a manner drained of its inhabitants. And to effectuate more fully his favourite scheme, to ensure a regular supply of grain, Constantine ordered the corn of Egypt to be imported into the newly founded city. Thus the Western

\* *Considérations sur les Causes, &c.*

capital was deprived of a great portion of its customary annual supplies.

When Augustus had accomplished the subjugation of Egypt, he transported to Rome the immense treasures which had been accumulated by the Ptolemies. These, added to the riches acquired in Asia and Africa, rendered the circulation of gold and silver throughout the Western portion of the empire very plentiful. The people were therefore enabled, with greater ease, to pay in specie the taxes and imposts, although numerous and heavy, which were by the edicts of the different emperors directed to be levied. But on the removal of the imperial seat, Constantinople became the centre of attraction: the channel, therefore, by which this wealth had flowed into the heart of Italy, was diverted from its original course, and directed towards the newly-founded city. Italy was thus also drained of its wealth, and sunk to the most abject and impoverished condition; notwithstanding which, the emperors continued equally extravagant in their exactions.

The division of the empire was another measure which hastened its decline, and paved the way for its final overthrow. This sowed the seeds of rivalry between the Eastern and Western portions, which occasioned numberless wars, an active and deadly competition, and was produc-

tive of the most fatal consequences \*. Of the pernicious effects of this custom we have had several exemplifications in modern history. It was an error which had become prevalent among the early sovereigns of modern Europe. Charlemagne divided his numerous possessions between his three sons, Charles, Pepin, and Louis le Debonnaire. Though, under the management of the superior genius of Charles, a surprising degree of harmony had appeared throughout every part of his dominions; yet, by the before-mentioned division, the internal strength was weakened, — the knot of union was loosened, — and jealousy and discord, and civil contention, followed in speedy succession. Louis, on the death of his two brothers, succeeded to the undivided possession of the empire; and nearly the first measure which he undertook, immediately on his succession, plainly showed the weakness of his heart. He blindly followed the example which his father had afforded in the subdivision of his empire between his children. This step is well known to have occasioned

\* “ Mais Galère et Constance Chlore n'ayant pu s'accorder, ils partagèrent réellement l'empire: et par cet exemple, qui fut dans la suite suivi par Constantin, qui prit le plan de Galère, et non pas celui de Dioclésien, il s'introduisit une coutume qui fut moins un changement qu'une révolution.”—*Considérations, &c.*

the memorable battle of Fontenai, in Burgundy, when one hundred thousand men were sacrificed to fraternal hatred, and deadly and unnatural opposition. The early history of France, Germany, Spain, Italy, is replete with such instances, and numberless examples could be further adduced; but I will confine myself only to one more, the subdivisions in England under the Saxons, and thence denominated the Saxon Octarchy\*. When the Anglo-Saxon princes had so far checked the incursions of the Britons as to be no longer apprehensive of their power of hostility, they began to entertain hopes, and prosecute measures, for their own aggrandisement, and the

\* It has been very erroneously, by some authors, called the Heptarchy. Mr. Turner, in his very learned *Anglo-Saxon History*, has traced the formation of the several states which composed the Octarchy. "Ella," says he, "supporting his invasion in Sussex, like Hengist in Kent, made a Saxon duarchy before the year 500. When Cerdic erected the state of Wessex, in 519, a triarchy appeared; East-Anglia made it a tetrarchy; Essex a pentarchy. The success of Ida, after 547, having established a sovereignty of Angles in Bernicia, the island beheld an hexarchy. When the northern Ella penetrated, in 560, southward of the Tees, his kingdom of Deira produced an heptarchy. In 586, the Angles branching from Deira into the regions south of the Humber, the state of Mercia completed an Anglo-Saxon octarchy."—TURNER'S *Anglo-Saxon History*.

extension of their own dominions. Mutual jealousies produced mutual contention; and wars, commotions, and insurrections, burst forth in every quarter, and continued to rage throughout the island with unabated virulence, until the reign of Egbert. Ethelbert, the youthful King of Kent, and the fourth in descent from the famous Hengist, possessed the audacity, at the early age of sixteen, to invade the dominions of Ceawlin, the powerful King of Wessex. The issue was fatal to the youthful assailant. Ceawlin, however, suffered a defeat from Ceolric, his unnatural nephew, who, in conjunction with the Cymry and the Scots, overthrew the forces of his uncle at Wodnesbeorg, in Wiltshire. Ethelfrith, dissatisfied with his inheritance of Bernicia, seized upon the neighbouring kingdom of Deira, then under the sway of the youthful Edwin. Edwin fled into North Wales, and found an asylum in the court of the generous Cadvan. By the friendly assistance of Redwald, King of East Anglia, the exiled prince was enabled to overcome his enemy, regain his patrimony, and also obtain possession of Bernicia. Cadwallen, Sovereign of North Wales, having united his forces with Penda, King of Mercia, defeated Edwin, ravaged Northumbria, and committed the most horrible excesses on the followers of Christianity. The

ferocious Penda overran Wessex, and slew the princes of East Anglia\*. Desolation marked his progress, and the course of his victories. Such was the line of conduct pursued by the Anglo-Saxon princes. Peace and tranquillity were too little appreciated; mutual competition was unceasing; and mutual aggrandisement, and mutual humiliation, the darling object of the different potentates.

The method which had been invariably adopted by the Romans was, on the conquest of any country, an attempt at immediate civilization. For that purpose they introduced their own laws, their own customs, sciences, and language. This was practised with respect to England, and happily the experiment was crowned with ultimate success: but our island was under the conduct and management of an Agricola. There are often exceptions to general rules, and this may be adduced as an instance. Besides, several causes concurred, which, by their united operations, produced such speedy improvement. But this was not always the case. Laws, customs, sciences, and language, to be a material benefit to a people, must not originate from any adventitious ferment or external violence, but from progressive improvement, and internal conviction. The rude

\* For a particular account of the above statements, see Turner.

customs, the barbarous language, the native dignity, the majesty of deportment, and the unsophisticated manners of the savage, are far preferable to the studied speech, the adulatory compliments, the fawning and sycophantic behaviour of the slave.

Of this statement the history of this period affords a sorrowful exemplification. The conquered, in time, were tainted with the vices of the conquerors. They soon became initiated in the Roman luxuries, characterized for the same degree of sloth and effeminacy; and those very men who had once boldly defied the legions of Cæsar and Germanicus, who had repeatedly vanquished the armies of Rome, who had wasted the strength of the empire, and whose conquest had cost so much labour and trouble, so much treasure, and so many men, — soon fell to such debasement, as patiently to submit to the tyranny and oppression of rapacious governors, as well as become totally incapable of defence against fresh hordes of raw and undisciplined barbarians.

“The prostrate South to the destroyer yields  
Her boasted titles, and her golden fields:  
With grim delight the brood of winter view  
A brighter day, and skies of azure hue;  
Scent the new fragrance of the op’ning rose,  
And quaff the pendant vintage as it grows.”

The evils arising from civil and political disputes were increased by religious dissensions. Christianity, which had endured the bitterest persecutions of blind and infatuated Paganism, had, (such was the will of divine Providence), notwithstanding all the formidable barriers opposed to its progress, at length reached a glorious ascendancy. Its power was acknowledged throughout the empire, and had even mounted the throne of the haughty Cæsars\*.

\* Julius Firmius Maternus, having called upon the Emperors Constantius and Constans to extirpate altogether the ancient religion, thus describes its fallen condition :—“ Licet adhuc, in quibusdam regionibus, idololatriæ morientia palpitent membra, tamen in eo res est, ut a Christianis omnibus terris pestiferum hoc malum amputetur.”—*De Error. Profan. Relig.* c. 21. Justin Martyr, whose writings bear date about 106 years after the ascension of our blessed Saviour, says:—“ There exists not a nation, either of Greek, barbarian, or other extraction,—even of those who lead an unsettled and roving life, and live under tents,—among whom prayers and thanksgivings are not offered up to the Father and Creator under the denomination of the crucified Jesus.”—*Dial. cum Triph.* Clement Alexandrinus, who wrote a few years subsequently to Justin, contrasts the progress of Christianity with the success of the most celebrated doctrines of philosophy. “ The philosophers were confined to the limits of Greece, and to their particular disciples; but the doctrine of the Founder of Christianity not only pervades Judæa, as philosophy in Greece, but has been propagated over the whole world. It has been preached in every nation, and city, and village, both of Greeks and Bar-

I have before alluded to the divisions and adverse factions in the empire, and the strongest and most powerful party of course prevailed. By these means the throne was seized by many who were strangers and barbarians. Rome no longer arrogated to herself the proud distinction of the mistress of the world; her power had long since departed, her glory had vanished, and the period of her most abject humiliation was fast approaching. Every emperor, on his succession, transported to the capital something from his native country, for the express improvement (according to his opinion—and the prejudice for early habits

barbarians, converting families and individuals; having already convinced several philosophers of the fallacy of their doctrines. If the Greek philosophy be prohibited, or meet with any obstacles, it is immediately deterred; whereas from the first moment of the propagation of our doctrine, kings, governors, and presidents, have endeavoured, with their whole power and influence, altogether to exterminate it; yet, notwithstanding their every effort, it has flourished, and still continues to increase.”—*Storm*. l. 4. About seventy years after Constantine’s reign, Jerome thus speaks of the spreading influence of the Christian religion:—“But now the sufferings and resurrection of Christ are celebrated in the discourse and writings of every nation. Not to mention Jews, Greeks, or Latins;—the Indians, Persians, Goths, and Egyptians, give perfect credence to the doctrine of the immortality of the soul, and future rewards and punishments, which the greatest philosophers had doubted and perplexed by their disputations.”—*Jer. Ep.* 8. *ad Heliod.*

is very great) of the religious, moral, civil, or political institutions of the empire. The jealousy entertained by the Romans against innovations was thereby diminished. Heliogabalus destroyed all the objects of public veneration and worship, and all the statues of the gods, in order to erect his own in their stead. Even these measures, trifling as they may appear, materially assisted the establishment of the Christian religion, inasmuch as those proceedings had gradually prepared the minds of the people for the introduction of the most wonderful innovations.

The Christian religion having gained so great an ascendancy over the Roman empire, the Pagans, in their turn, were persecuted with all the animosity, cruelty, and hatred, which bigotry and blind enthusiasm are capable of exciting in the human mind. The gods of Rome were publicly insulted, and their statues overturned and broken: prohibitory statutes were passed against their votaries, and the ancient religion was proscribed; the altar of Victory was demolished, and the proud eagle of Rome submissively gave way to the triumphant cross. In consequence of these violent measures, several deputations were sent to the imperial court, praying the restoration of the altar of Victory, and the free exercise of their religion. Every thing was left to the management and direction of the prefect Symmachus, a man of

powerful eloquence and great abilities, who in an address presented to the emperor, representing the grievances under which the Pagans laboured, thus speaks:—"What should make us more mindful of the gods than the knowledge of former prosperity, and the experience of past favours? After the lapse of so many ages, should we not be faithful in the discharge of our duties, and tread in our fathers' steps, who happily followed the example afforded them by their ancestors? Imagine that Rome kneels in supplication at your feet, and thus addresses you. 'Mighty Princes! Protectors of your country! Respect my years, during which I have constantly preserved my ancient rites and religion. This observance has subjugated the universe to my dominion, has gloriously repelled Hannibal from the city, and the Gauls from the capitol. For the gods of our country alone I demand peace; I demand it for the gods of our ancestors; I am unacquainted with the new system which is offered for my adoption; and I am thoroughly assured that the correction of old age is an unwelcome and an ungrateful office\*.' "

The dissensions, however, daily increased. The Christians affirmed that every misfortune which befel the empire was to be attributed to the Pagans; who, by their perverseness and repeated

\* Symmach. Epist.

acts of impiety, had provoked the displeasure of Heaven. The Pagans rebutted the accusation; and, unmindful of themselves, gloried in the midst of the most horrid sufferings, so as they beheld the followers of Christianity included as fellow-sufferers. Such was the situation of affairs, when violent disputes burst forth among the Christians themselves. New sects sprang up, new antipathies and jealousies were excited, new doctrines were circulated, and new opinions were agitated, with all the virulence of party feeling. Arius denied the divinity of the Word; Eusebius, his co-equality with the Father; the Macedonians, the Holy Spirit; Pelagius, the internal efficacy of grace; Cœlestius, original sin; Nestorius, the unity of Christ; and Eutiches, his double nature. Excommunications were thundered out against the sectaries, and the same punishments denounced against heretics as Pagans. The universal bigotry and infatuation of the people, added to their previous effeminacy, completed the measure of their moral debasement. Constantine, the son of Heraclius, having died by the hand of treachery, and his son Constans having lost his life in Sicily, another Constantine obtained the succession. In a grand Convention of the Eastern provinces the nobles proposed to elect his two brothers to the imperial power, alleging, that as

there were three persons in the Trinity, so should there be three Emperors.

Such was the condition of the people, — or, to be more correct, the Romans had made such rapid strides towards the above condition,—when the barbarians poured forth their swarms from the frozen North ; and, like the mountain torrent, burst with incredible impetuosity upon the fertile valleys of the South. They were the reverse in character to the people whom they invaded. War was their profession, and the source of their honour and riches ; the sword their right of possession. From their very infancy they were assiduous in learning the military art. Their education, their laws, prejudices, religion,—all concurred in making it their predominating passion. The very sports of their childhood were directed towards the promotion of this object : dangers were encountered by them in their very diversions : — they exercised themselves in leaping,—in ascending precipices,—in combats,—in wrestling,—in the pleasures of the chase,—and in swimming across the most rapid streams.—Like the Lacedemonians, they recognised no virtue but valour\*, —no crime but cowardice. They

\* “ The philosophy of the Cimbri,” says Valerius Maximus, “ is gay and courageous ; they so exult in battle, that they will quit life gloriously : in sickness, they weep for fear of a

were, moreover, remarkable for the steadiness of their friendship, for their regard to the marriage vow, and their abhorrence of treachery or falsehood. They likewise maintained many maxims of political wisdom, which only required time to be brought to a state of perfect maturity. The effeminate Romans were not enabled to effect any thing against men so trained and disciplined; they shrunk from the unequal combat, and became unresisting victims of barbaric fury. In consequence of the pusillanimity of the Romans, the most bloody excesses were committed in every quarter.

The Goths in the meantime had subjugated Spain, — Rufinus had betrayed Greece to the barbaric invaders, — Africa groaned under the tyrannic sway of Gildo, — Alaric and Radagaisius had invaded the dominions of Honorius, — and Olympius had repeated the treasonable practices of Stiticho. Constantius had been declared emperor in Britain, — Genseric, the Vandal chief,

shameful and miserable end.”—Lib. ii. c. 6. And Lucan thus describes them :

“ Orbe alio longæ, canitis si cognita, vitæ  
 Mors media est. Certe populi quos despicet Arctos,  
 Felices errore suo! quos ille timorum  
 Maximus haud urget—lethi metus; inde ruendi  
 In ferrum mens prona viris—animaque capaces  
 Mortis, et ignavum reditura parcere vitæ.”—Lib. i.

had undertaken the African expedition, — and Ætius, aided by the Hunnic powers, had acquired a dangerous distinction in the court of Valentinian. The sons of Alaric had besieged Narbonne, — the Burgundi had overrun the Belgic provinces, — and Attila had spread the most terrible ravages throughout the district of Gaul, Mentz, Worms, Spire, Strasburg, Rheims, Arras, Amiens, Tournay, the cities of the Netherlands, and of the Lyonesse; the provinces of Narbonne, Novem-populonia, and Septamania, became scenes of frightful desolation.

Salvian of Marseilles has at some length described the evils and calamities under which the empire laboured in his time. He expatiates on the vices, the profligacy, sensuality, envy, and avarice of the age; and describes the system of immoderate taxation, and the insolence and cruelty of the imperial tax-gatherers.

In every province, in every city, and even village, the officers of government exercised the most boundless tyranny. Public burdens were mercilessly imposed, and the collection of the national revenue was the source of private aggrandisement. The taxations were imposed with partiality, and exacted with severity. Many of high rank and liberal education, in order to escape the violence of the exactors, and to avoid the punishment inflicted on defaulters, quitted their

habitations, and fled for protection to the national enemies: and though the barbarians to whom they retired for safety differed in religion, language, and manners; yet the fugitives preferred the inconveniences resulting from such dissimilarity among the Goths and Bagaudæ, to unceasing persecution and overwhelming injustice among their own countrymen. In consequence of these measures, the appellation of Roman citizen, which had formerly been so highly valued and so dearly purchased, was altogether repudiated and shunned. Those who would not fly to the barbarians, became themselves barbarians. Deprived of the right of Roman liberty, — compelled by the dishonesty and injustice of the judges, and the proscriptions of the iniquitous tax-gatherers, to fly from their native land, — they endeavoured to avenge their injuries, and retaliate upon their oppressors.

With such intestine commotions at home, the empire offered a feeble resistance to the barbaric powers: blood and carnage, desolation and havoc, marked the road of the invaders. The most fertile provinces, which had once smiled with peace and prosperity, were converted into the most horrible deserts. Italy was repeatedly overrun and ransacked; and the imperial city pillaged, after having endured all the miseries of a length-

ened siege, and all the horrors of a protracted famine.

The rapid progress of the barbarians of the North soon diffused their armies over the fertile plains of the South. During the fifth century, the Visigoths effected a settlement in Spain, and the Franks and Burgundians in Gaul,—the Saxons and Angles took possession of England,—and the Huns, of Pannonia;—the Lombards founded a dynasty in Italy,—and fresh armies of Slavonians and Tartars fixed themselves between the Baltic, the Elbe, and the Danube. New languages, new systems of government, new laws, manners, and customs, were the consequence of these several movements; and the face of Europe underwent a complete alteration, which, with few trifling and local deviations, has existed to the present day.

ON THE  
GRECIAN SOPHISTRY,  
AND  
ROMAN RHETORIC.

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*"Sicut fortis equus, spatio qui sæpe supremo  
Vicit Olympia, nunc senio confectus quiescit."*

*Ennius.*

GREECE has excited universal admiration for its wonderful excellence in the exercise of the liberal arts. There, Poetry, Painting, Sculpture, Eloquence, Music, and Architecture, severally arrived at the highest grade of human perfection. There the genius of Homer wove the fables of the "Iliad" and "Odyssey;" there the muse of Pindar warbled her lyric melodies; and Sappho and Anacreon sung of love: there Phidias produced those masterpieces of his art; there Apelles flourished; and Demosthenes, Æschines, and Isocrates, enchanted the soul with all the charms, and roused the passions of their countrymen with all the force, of eloquence.

Rome imbibed instruction from Greece, and

arrived at a wonderful degree of proficiency, though she could not equal her instructress. She could, however, boast of her philosophers, poets, orators, and historians. Cœlius and Curio, Hortensius Cæsar and Cicero, Livy and Tacitus, Virgil and Horace, Ovid and Lucretius, Terence and Seneca, Scipio and Cato, have shed such lustre upon their country, that as long as their names are fresh in our memories, Rome will always excite our wonder and admiration, our sympathy and commiseration.

But, notwithstanding the proud superiority enjoyed by the Greeks and Romans, the day of their humiliation at length arrived, when their sun of literary excellence, after having run its destined course, sunk to rest, and darkness spread over the whole continent of Europe. The middle ages, extending from the fifth to the thirteenth century, exhibit one continued picture of gloominess, desolation, ignorance, and barbarism, without one ray to lead, or one star to direct, the bewildered traveller.

The barbarians who overturned the Roman empire, entertained a thorough contempt for literature and the elegant arts. They hesitated not in pulling down the most beautiful productions of human skill and ingenuity, in burning the most stately palaces, and pasturing their herds in the most luxuriant gardens and pleasure-grounds.

They despised learning, from an idea that it only tended to enervate the mind, and rob it of energy and activity; and that the youth, who had tamely submitted to the lash of the pedagogue, could never meet with undaunted courage the eye of the enemy. No wonder, then, that literature degenerated, and fell into low estimation; no wonder that it sunk into disrepute, and consequently into disuse; and a frightful barbarism spread over the face of Europe.

The middle ages, however, were productive of beneficial consequences to society. The human mind, during that interval, concentrated all its strength and energy; and, on the revival of learning, exhibited an astonishing activity and originality of genius. The human intellect then effected an emancipation from the galling slavery under which it had for so long a period groaned. The trammels of the Grecian sophistry then no longer fettered the imagination, and the Roman rhetoric had been in a great measure deprived of its false and delusive colours. The cultivation of letters was vigorously pursued, and soon acquired a happy state of perfection. "Interruptions in the periods of learning," says the sagacious and philosophic Hume, "were they not attended with such a destruction of ancient books and the records of history, would be rather favourable to the arts and sciences, by breaking the progress of

authority, and dethroning the tyrannical usurpers over human reason. In this particular they have the same influence as interruptions in political governments and societies. Consider the blind submission of the ancient philosophers to the several masters in each school, and you will be convinced that little good could be expected from a hundred centuries of such a servile philosophy. Upon the revival of learning, those sects of Stoics and Epicureans, Platonists and Pythagoreans, could never regain any credit or authority; and at the same time, by the example of their fall, kept men from submitting with such blind deference to those new sects, which have attempted to gain ascendancy over them."

The period of the Roman literary excellence was of short duration: it flowed suddenly among them, upon the conquest of Greece; but its progress and decline was as rapid as had been its introduction. Previously to the above period, and during the early times of the republic, the Romans had had little leisure, and few opportunities for the cultivation of the arts and sciences, and the investigations of philosophical speculations. Before their intercourse with Greece, they were, therefore, rude and illiterate. Ennius was one of the first literary ornaments of Rome, and from his time the dramatic art made advancement. During the interval between the Mar-

donian and the second Punic war, some Achaians settled in Italy, and opened public schools of philosophy and literature; thereby diffusing a taste for the prosecution of those studies, theretofore unknown to the Roman youth. Jealous, however, of the reputation acquired by these Grecians, and offended at the introduction of new studies, the Senate ordered the philosophers into immediate banishment. But, shortly after this mandate had been enforced, an embassy was deputed to Rome by the Athenians, under the guidance of Carneades, Diogenes, and Critolaus, three men eminent for learning, who revived the dying embers of the Grecian philosophy. Poets and orators, historians and philosophers, after that period, followed in rapid succession. From the time of Ennius, however, to Quintilian, the existence of literature may be reckoned somewhat more than three centuries; from which period, its decay daily became more visible. It then fell into general disuse, and at length lapsed into a state of complete debilitation and helpless dotage.

Such, indeed, was the decay and degeneracy of literature, and so progressively fast had been its decline, that it was even obvious to the Romans themselves. "Who does not know," says the author of the Dialogue on Oratory, "that eloquence and the other elegant arts have

fallen from their pristine glory; not from scarcity of men, but from the dissipated habits of youth,—the neglectful conduct of parents,—the want of proficiency of teachers,—and the inattention to the manners of our ancestors? Which evils, having originated in the capitol, have pervaded Italy, and spread through every province\*.”

Longinus thus speaks of liberty: “Liberty, it is said, produces fine sentiments in men of genius; it invigorates their hopes, excites an honourable emulation, and inspires an ambition and thirst for excellence; and what is more, in free states there are prizes to be gained, which are worth disputing. So that by this means the natural faculties of the orators are sharpened and polished by continual practice, and the liberty of their thoughts, as it is reasonable to expect, shines conspicuously out in the liberty of their debates†.”

\* “Quis enim ignorat et eloquentiam et cæteras artes descivisse ab istâ vetere gloriâ, non inopiâ hominum, sed desidiâ juventutis, et negligentâ parentum, et inscientiâ præcipientium, et oblivione moris antiqui? quæ mala primùm in urbe nata, mox per Italiam fusa, jam in provincias manant.”—Sec. 28. Also see the subsequent section, where the author describes the progress of a Roman education in his age.

† Long. sec. 44. I would recommend the reader to peruse the whole section, as it contains much matter relevant to the text. The citation above is from Smith’s beautiful translation of Longinus, which, indeed, contains all the strength and beauty of an original treatise.

But the loss of Roman liberty extinguished emulation and ambition in the Roman mind. The existing sloth and effeminacy were so great, that the people were altogether incapable of mental activity or exertion, and consequently of improvement. When mental superiority ceases to confer eminence, and satisfy the vanity of learning, it immediately ceases to be an object of prosecution. A view of the history of Rome will plainly demonstrate the fact, that there is a close and inseparable link between private virtue and political liberty. When a nation becomes debauched, and given up to the exercise of every vice, the preservation of that liberty is utterly impossible; for the more profligate a people become, the more restrictive must naturally be the laws, and the more tyrannical the system of government.

Longinus traces the deterioration of Roman manners to moral causes. "Avarice\*," says he, "that disease of which the whole world is sick beyond a cure, aided by voluptuousness, holds us fast in chains of thralldom; or rather, if I may so express it, overwhelms life itself, as well as all that live, in the depths of misery: for, love of money is the disease which renders us most

\* The Delphic oracle predicted that avarice would occasion the ruin of Sparta. "All opulent states," says Cicero, "should well observe that response."

abject, and love of pleasure is that which renders us most corrupt. I have, indeed, thought much upon it; but, after all, judge it impossible for the pursuers, or, to speak more truly, the adorers and worshippers of immense riches, to preserve their souls from the infection of those vices which are firmly allied to them: for profuseness will be, wherever there is affluence; they are firmly linked together, and constant attendants upon one another. Wealth unbars the gates of cities, and opens the doors of houses; profuseness gets in at the same time, and there they jointly fix their residence. After some continuance in their new establishment, they build their nests (in the language of philosophy), and propagate their species. There they hatch arrogance, pride, and luxury, no spurious blood, but their genuine offspring. If these children of wealth be fostered and suffered to reach maturity, they quickly engender the most inexorable tyrants, and make the soul groan under the oppressions of insolence, injustice, and the most seared and hardened impudence. When men are thus fallen, what I have mentioned must needs result from their depravity: they can no longer endure a sight of any thing above their grovelling selves; and as for reputation, they regard it not. When once such corruption infects an age, it gradually spreads, and becomes universal. The faculties

of the soul will then grow stupid, their spirit will be lost, and good sense and genius must lie in ruins, when the care and study of man is engaged about the mortal — the worthless part of himself; and he has ceased to cultivate virtue, and polish his nobler part — the soul\*.” And Ammianus Marcellinus, after describing their passion for dice, their love of theatrical indelicacies, and many other vices, — thus continues: “When affairs had arrived at such a pass, the few houses before celebrated for serious pursuits, now abound with instances of a disgraceful sloth, resounding with vocal echoes, and the music of the lute. In short, in the room of a philosopher, there is now a singer; and in the stead of an orator, a teacher of ludicrous arts: the libraries are shut up after the manner of sepulchres; hydraulic machines are fabricated, as well as immense lyres in the shape of chariots, and flutes†, and the

\* Longinus, sect. 44. I have already recommended the reader to bestow upon it a very careful perusal, as it will amply repay him for his trouble.

† Ammianus Marcellinus has, in the fourteenth book of his history, at some length described the effeminacy, the degeneracy, and the profligacy of the Romans. A careful perusal of this book will convince the reader of the low state of degradation to which the Romans had sunk. He says, “Quod cum ita sit, paucae domus studiorum seriis cultibus antea celebratae, nunc ludibriis ignaviae torrentes exundant, perflabili sono vocali tinnitu fidium resultantes. Denique pro philosopho

instruments of the actors' gesticulations. Lastly; such shameful indignities have been heaped upon the people, that when strangers, not long since, were driven forth from the city on account of a dreaded scarcity of provisions, and a few followers of the elegant arts expelled without the slightest mercy; numberless mimæ, or those who feigned that profession for a season, and three thousand dancers, and the like number of singers, were retained within the walls."

Such was the condition of the Romans, when invaded by the Gothic tribes; and such being their condition, their incapacity of instructing the rude barbarians is apparent. An opinion has been entertained,—how erroneously, a reconsideration of the question will satisfy any individual,—that the aversion of the barbarians to literature was intuitive,—planted in their bosoms by nature: but this aversion was evidently created by the

cantor, et in locum oratoris doctor artium ludicarum accitur: et bibliothecis sepulcrorum ritu in perpetuum clausis, organa fabricantur hydraulica, et lyræ ad speciem carpentorum ingentes, tibiæque et histrionici gestûs instrumenta non levia. Postremo ad id indignitatis est ventum; ut cum peregrini ob formidatam haud ita dudum alimentorum inopiam pellerentur ab urbe præcipites, sectatoribus disciplinarum liberalium impendio paucis sine respiratione ulla extrusis, tenerentur mimarum assecræ veri, quive id simulârunt ad tempus: et tria millia saltatricum ne interpellata quidem, cum choris totidemque remanerent magistris."

operation of external causes. The warriors of the North beheld the dissipation, the profligacy, and the effeminacy of the Romans; and they, in their ignorance, naturally considered them as the certain consequences of learning. Accordingly, they established institutions as widely differing as possible from those prevalent throughout the empire.

If the desire of acquiring knowledge had been as ardent, and the cultivation of literature as vigorous among the Romans, as they were when Greece yielded her freedom to the arms of Rome; the Gothic invaders would, without doubt, have quickly relinquished the sword, and made speedy application towards the acquisition of learning, and the promotion of literature. In the same way did Greece effect an improvement upon the knowledge imparted by Egypt and Phenicia, and the Romans imbibe the learning of the refined Grecians. But literature had arrived at such a state of decrepitude and imbecility,—had sunk to the lowest ebb of debasement,—that it was incapable of affording improvement;—and, as the sword appeared to be the only means of attaining glory, renown, and aggrandizement, the barbarians seized it with the greatest avidity. Besides, we have several examples that the Goths were, when fit opportunities occurred, by no means unwilling to apply themselves to

literature, or backward in the pursuit of knowledge. Theodoric, the Ostrogothic monarch of Italy, not only cultivated letters himself, but was anxiously urgent in their recommendation and encouragement among his subjects. He was ever earnest in his endeavours to promote a love of study and the prosecution of letters, among the slothful and effeminate Italians. Amalasonta, the daughter of the mighty Theodoric, was so favourably disposed towards learning, that she gave her son a liberal education; though by that measure she only raised the contempt and disgust of her countrymen. Athalaric, her son, revived the public schools at Rome; and Theodat, his successor, acquired a great proficiency in the study of the Roman and Grecian languages. In France, and in Spain, the barbarians speedily prosecuted every individual branch of literature. Ireland was, during the seventh and eighth centuries, the most celebrated school of learning; and England early produced the venerable Bede, and Alcuin, the instructor of the immortal Charlemagne. These examples will sufficiently convince us, that the Gothic mind was not naturally averse to learning. Had letters been in a flourishing condition, the barbarians would, with the greatest assiduity, have laboured at intellectual improvement; and, without doubt, in consequence of vigorous prosecution, (for

energy and activity were principal features in their intellectual character), would have quickly arrived at a surprising degree of excellence. But literature had lost all its charms, — all its force, — all its capacity for improvement, — and had sunk into a complete state of inanity.

Since the fall of man, knowledge has been slowly progressive, and human genius has been tardy in expansion, and in the acquisition of information. Man has proceeded step by step in the tangled path, and has, at each movement, met with fresh obstacles and unexpected difficulties. Discoveries have been of rare occurrence, and have cost the understanding much toil, and time, and diligence, ere success has crowned the most unabating efforts. Thus has one individual forwarded the views of another, — thus have nations improved upon the acquirements of neighbouring countries, — and new geniuses have appeared in the world to promote further progress, make fresh discoveries, afford to society new views, and give them new directions. Such, indeed, has been man's progress in the unbounded plain of knowledge; and, notwithstanding the immense space already traversed, the distant prospect holds out a smiling invitation to the eye; and regions, lost in the distant horizon, still remain untrodden and unexplored. Thus, then, knowledge has no natural termination, — as water,

which will only rise to its level,—but it progressively rises, and increases in excellence. When, however, from any violent cause, an age becomes hostile to learning and science, and incapable of producing fresh talent, in order to further the scheme of human improvement, the mind cannot remain stationary, but must of necessity retrograde in proportion to its original advancement, from the operating influence of its own inherent imperfections. These are plain and obvious positions\* in the philosophy of the human mind, which the slightest observation will authenticate, and of which the Grecian and Roman literature will afford a satisfactory exemplification.

The Romans had altogether borrowed their literature from the Grecians; so that whatever fluctuations the latter endured, of necessity influenced the former. The Roman mind, therefore, could not boast of originality; and being deficient in that particular, improvement became an utter impossibility, and a check was thereby given to the progress of the human mind, and the further expansion of the human intellect. The Latin Classics, although they evince numberless beauties, although they contain a purity of style, and a charming diction; although they

\* Particularly exemplified in the earlier ages. Vide the President Goguet's *Origine des Loix*, vol. i.

are complete models for eloquence and elegance, have, nevertheless, borrowed that very style and diction, that very eloquence and elegance, which have so often raised our admiration, and afforded us pleasure and amusement, from the Grecians. Athens was the school where the Roman youth were almost invariably sent for the purpose of completing their education. Even Cicero complains that, in consequence of the Peripatetic philosophy being little known or cultivated at Rome, he was compelled to send his son to obtain instruction in the schools of Greece. The Romans, moreover, paid slight regard to the progress of the sciences. During the period of the republic, they had little leisure or inclination to bestow upon their cultivation; and during the existence of the empire, they were sunk too low in sloth and effeminacy, and consequently totally incapable of mental exertion. Thus Rome was altogether inferior to Greece in intellectual acquirements; and when the Grecian literature degenerated, the Roman also underwent a considerable diminution, until each became absolutely pernicious in its effects upon society. The operating causes of this wonderful change were the Grecian Sophistry, and the Roman Rhetoric.

Soon after the period of Homer and Hesiod, a taste for poetry became general among the

Grecians, which gave rise to the Rhapsodists, whose chief employment was to sing hymns and poetical compositions at the celebration of the different games and festivals. These even founded schools, and gave public instruction; in consequence whereof, their scholars being inspired with a sense of awe and admiration, bestowed upon them the denomination of Sophists.

To these succeeded the schools of philosophy, of which the Ionic, founded by Thales, the Milesian, was the most ancient. The metaphysical doctrines of this teacher are imperfectly known; but he has acquired a degree of celebrity for his knowledge of geometry and astronomy, in which sciences he received instruction from the priests of Memphis.

To this succeeded the establishment of the Italian school by the celebrated Pythagoras. From Egypt and Chaldæa he had obtained a thorough knowledge of the symbolic writings; and, from the ancient traditions current throughout those countries, had gathered every information respecting the nature of the gods, the immortality of the soul, and the doctrine of metempsychosis. Returning to his native country, he elicited universal admiration for the elegance of his person, the brilliancy of his understanding, and the profundity of his knowledge. The school

of Pythagoras has distinguished itself for its proficiency and its discoveries in geometry, astronomy, and mathematics.

The next in succession was the Eleatic sect, founded by Xenophanes. The metaphysical doctrines of this philosopher were most wild and incoherent; inasmuch as he maintained that things had neither beginning nor termination; and that the perception of any change arose from the state of our own senses, and not from any actual alteration in any object. He was of opinion that the stars were extinguished every morning, and rekindled in the evening; that eclipses originated from the temporal extinction of the sun; that the moon was much larger than the earth; that every climate was attended by its respective sun and moon; and that the earth was brought into existence by its own self-creating power! Leucippus, his disciple, however, maintained the doctrines of atoms, and of a vacuum; which were respectively adopted by Democritus and Epicurus.

Then arose Socrates, who has been denominated the wisest, the most virtuous, and most celebrated philosopher of antiquity. — I am not inclined to join in all the praise which has been bestowed upon that sage; but thus far I think, that, actuated by the purest motives, he laboured for the improvement of mankind; but, led astray

by the blindness, the frailty, and the vanity of human nature, he adopted a plan, which was subsequently productive of the greatest mischief. Of this I shall speak more fully hereafter; at present I will confine myself to the mere exposition of the leading doctrines of the several schools of philosophy.

Socrates condemned the abstruse researches and metaphysical investigations of his predecessors, which he endeavoured altogether to explode, and in their stead to introduce the study of moral philosophy, which would induce mankind to check their appetites, rectify their passions, and feel an anxiety for the performance of every necessary duty. He acknowledged the free agency of man, the immortality of the soul, and future rewards and punishments; besides the existence of a Supreme Being, the Creator and Director of the universe. He combated the polytheistical superstitions of his countrymen, and propagated a belief in the one true and only God.

The Cyrenaic sect adopted the doctrines, and practised the morality of the Socratic school, with moderation and success; but the Cynics carried them to the most laughable extravagance. Virtue, with them, consisted in renouncing all the pleasures, all the comforts, all the conveniencies of life. They despised riches, and were altogether

neglectful of their dress, insomuch that they wandered from town to town clothed in rags, which scarcely served the purposes of decency. Knowledge was condemned as useless and inessential, and ignorance considered as alone productive of felicity. The followers of this sect, however, notwithstanding all their alleged sanctity, scrupled not to gratify their criminal appetites and passions, and give themselves up to every indulgence. “*Nec vero audiendi sunt Cynici, qui reprehendunt et irrident, quod ea, quæ re turpia non sint, verbis flagitiosa ducamus; illa autem, quæ turpia sint, nominibus appellemus suis. Latrocinari, fraudare, adulterare, re turpe est; sed dicitur non obscænè: liberis dare operam, re honestum est, nomine obscænum: pluraque in eam sententiã ab eisdem contra verecundiam disputantur\**.” And again, Cicero says, “*Cynicorum vero ratio ejicienda: est enim inimica verecundiæ, sine quâ nihil rectum esse potest, nihil honestum†.*”

The Megaric sect invented the logical syllogism, and considered the world as eternal.

Then followed the Academic sect, founded by the illustrious Plato. The opinions of this man obtained such celebrity, and inspired such respect, that his contemporaries applied to him the

\* Cicero de Officiis, lib. i. c. 35.

† Ib. c. 31.

epithet of Divine: and so charming was the melody of his diction, and so beautiful the elegance of his expression, that he was universally denominated the Athenian Bee. Cicero was so enchanted and enraptured with the writings of this philosopher, that he has said, "*errare meherculè malo cum Platone, quam cum istis vera sentire.*" The active mind of Plato was ever employed by the investigation of speculations. He examined things divine as well as human, and not only considered and studied the degree of perfection to which morality and politics could be practically brought by mankind, but he even endeavoured to discover the principles of mystical theogony. He wished to dive into the very depths of nature, and to disclose her most hidden secrets to the eye of man. This philosopher maintained the pre-existence of the human mind, which he considered an emanation from the all-creating Ruler of the universe: and which connexion, by abstracting the soul from all worldly pursuits, and by avoiding all the sins of mortality, might even be increased into a constant intercourse with the Supreme Being. He, however, adopted the physical opinions of Heraclitus, the metaphysical doctrines of Pythagoras, and the morality of Socrates.

Next came the sect of Aristotle; or, as it was denominated, the Peripatetic School of Philoso-

phy. The founder has been celebrated for his knowledge and his eloquence, for his readiness of thought, and acuteness of invention. He entertained no fixed or certain opinion respecting religion, and totally disregarded the mythology of his countrymen. His metaphysical disquisitions, on account of their studied brevity of expression, are completely unintelligible, and have occasioned numberless disputes, contradictions, and explanations. His physical works evince intense study of nature; and his critical writings display fecundity of imagination, and solidity of judgment. In so authoritative a manner were the opinions of Aristotle expressed, that Lord Bacon has quaintly observed, that the philosopher was as anxious to establish an empire over the human mind, as Alexander of Macedon, his pupil, was desirous of doing over the nations of the earth. He has acquired great celebrity for his system of logic, and possessed an amazing propensity so to classify and arrange objects as to contract their numbers, and gradually reduce them to as few operating causes as possible. This propensity, though it may afford amusement to the intellectual powers, is, nevertheless, replete with great danger, inasmuch as it totally blinds reason, and leads the mind to the formation of false deductions and erroneous opinions.

Pyrrho of Elis established the Sceptical sect.

The disciples of this philosopher maintained universal doubt to be the manifest indication of real wisdom; they remained in continual suspense of judgment, never formed any decision, never arrived at any conclusion, but always existed in a state of uncertainty. They boasted a thorough victory over the passions, and affected a total unconcern for all the occurrences of life. They were so regardless of every thing, that they declared there was no difference between life and death. In tranquillity was constituted their summum bonum, and they inculcated general disbelief of every opinion.

From Zeno originated the celebrated sect of the Stoics. Virtue was the ultimate object of the pursuit of this philosopher. He considered that individual pleasure should be relinquished for the public advantage; that man was not created for himself alone, but for the benefit of his fellow-creatures. He observed an uniformity and connexion in the system of the universe, and perceived that thence originated love and affection in private families, and harmony and order in civil society. Serenity of mind, and a perfect indifference to joy or sorrow, happiness or misery, pain or pleasure, wealth or poverty, were especially inculcated, as necessarily conducive to human happiness. Zeno maintained that resignation was particularly essential; and that, in-

stead of warding off calamities, men should rather strengthen themselves with fortitude, and bravely meet the impending storm. He affirmed that the Deity, as well as nature, was influenced by fixed and immutable laws; and, as the human soul was an emanation from the Divinity, it was presumptuous in man to complain of those necessities to which the all-ruling Power himself was subject.

In this summary I shall mention one more school, and that is the Epicurean. The tenets of Epicurus were, that human happiness consists in pleasure, not springing from vicious indulgence, but from the exercise of every virtue. Though this philosopher obtained great reputation by the strictness of his life, and rigidness of his morals, yet his disciples substituted the gratification of appetite for the practice of that virtue, the exercise of which he had so strictly enjoined. His followers, indeed, became remarkable for intemperance, luxury, profligacy, corruption, and every criminal excess; and as they were of opinion that the Deity was altogether indifferent to the actions of men, they had no other monitor but their own consciences, and no other guide but their own ideas of right and wrong.

I have here enumerated the principal schools of philosophy at Athens: from thence arose many divisions and subdivisions, the description whereof would be tiresome and fatiguing. And what do

these different sects prove? Do they afford proofs of strength of intellect, maturity of judgment, brilliancy of imagination, or earnestness in the investigation of truth? No:—they only evince a picture of the fickleness, the instability, the caprice, the imbecility of the human mind. They give examples of the facility with which man can at all times be deceived:—how prone he is to adopt the most absurd errors;—and how stubborn he is in the retention of those erroneous doctrines, when once he has formed an opinion to his own satisfaction. The different philosophers were at continual polemics, were engaged in the most violent hostilities against each other. Every teacher, however, in contradicting the doctrines of his rivals, propagated himself the most extravagant theories, which only served to lead the understanding further into the mazes of perplexity; stop the advancement of useful knowledge and information; and complete the moral and intellectual debasement of their thoughtless and too credulous countrymen. Greece, indeed, was the hot-bed exactly suited to the growth of the then existing philosophy, in which it could quickly vegetate and luxuriate. With Greece for the country, and Athens for the particular city, every thing combined, every thing was favourable to give strength to the genius of philosophy.

The system of education, adopted by the

Greeks, possessed the most pernicious tendencies. The Athenian youth were first confided to the tuition of the grammarian, (γραμματιστής); he immediately placed in the hands of his pupils the works of Homer, together with his own commentaries, explanations, and criticisms thereupon; and these were invariably required to be committed to memory. This method of reading works in infancy, which ought to have been the study of maturer years, did not produce its intended effect, — the development of the faculties, and the promotion of the understanding; but was the origin of much mischief, and many serious evils. The youth were next committed to the care of the teacher of music\* (κιθαριστής). He, indeed, cultivated the imagination, but at the expense of sense. He infused into the mind of

\* “It appears, indeed, a solecism,” as Mr. Mitford observes, “to suppose that those elegant perceptions and nice organs, which gave form to the most harmonious language ever spoken among men, and guided invention to the structure of that verse, which, even under the gross disguise of modern pronunciation, is still universally charming; could have produced, or could have tolerated a vicious or inelegant style of music.” To the elegant preliminary discourse prefixed to Mr. Mitchell’s translation of Aristophanes, I am indebted for much information respecting the mode of Athenian education. It possesses, in a high degree, beauty of diction, soundness of argument, and strength of judgment, and should be perused by every individual who is interested in Grecian literature.

his scholars a taste; but it was a false taste, which only weakened the faculties by depriving them of all power of discrimination. From the teacher of music, they were carried to the master of the gymnasium, that he might harden their bodies, — attemper their minds with courage and resolution, — and give to their limbs a graceful pliability. “When a man,” says Plato, “allows music to pipe unto him, and to make use of his ears, like funnels, for the infusion of soft, sweet, and plaintive harmonies; when he passes his time in the titillations of those soothing enjoyments, which song affords, what courage he had in him becomes softened, like iron; and thus losing its hardness, it becomes fitted for the commerce of life: but, if this delight be pursued immoderately, — if this iron be put into a state of fusion, the courage gradually melts away, the nerves of the soul are cut out, and a feeble warrior is the result of such a system of conduct. In a person naturally feeble, this result would be more speedy in taking place; in one of a naturally courageous soul, nature being weakened and rendered easy to be thrown off its balance, the least things irritate and soothe him; and, instead of being bold and resolute, such a person becomes passionate, morose, full of fantasies, and a troublesome fastidiousness. Again, if a person give himself up to the labours of the gymnasium, and to

feasts, without attention to music or philosophy, such a man becomes filled with high thoughts and courage, and exceeds himself in bravery; but, if he do nothing else, — if he have no communication with the Muses, even though there had been originally a love of learning in his mind; yet, without tasting of that instruction which is gained by application, by inquiry, and conversation, he becomes weak and deaf, and blind, like a man that is never awakened, nor nourished, nor that has his feelings purified. Such a man becomes a hater of conversation, and averse from the Muses: in his language he uses no persuasion, — he does every thing like a beast, by force and ferocity, — and he lives in ignorance and rudeness, without any accompaniment of grace or politeness\*.” I have made this long quotation merely to show the sentiments entertained by the ancients respecting music and the gymnastic exercises. The next removal of the youth was to the sophist, or philosopher, whose care was extended to the intellectual endowments, and who professed to give the mind and character the last polish of education.

The doctrine inculcated by these sophists into the mind of the youth intrusted to their charge, was of the most deadly nature. They promised,

\* Plato, *De Repub.* lib. iii. See Mitchell's *Aristophanes*.

for a proper pecuniary compensation, to impart that knowledge which could easily confound virtue and vice, and make the worse appear the better cause. They taught, that nothing possessed an actual substance, but that every thing in nature had an existence only in the opinion of persons: "That heat was no more heat than cold; white not more white than its opposite; knowledge, nothing more than sensation; man, the measure of all things, of things existing as they are, and of things non-existing as they are not, and all things are true. For every one entertains thought according to the impression made upon him; impressions were made by what was in motion; motion was created by agency; agency could proceed only from the things which are, and the things which are, must be true\*." They, moreover, affirmed, that of all acquisitions, eloquence was the most noble in its nature,—that eloquence, which could rob the soul of its faculties, charm the senses, and sway the most rugged feelings. They maintained, that might constituted right,—that virtue and true happiness were alone centered in intemperance and excess,—that the greatest blessing was the power of committing an injury with impunity,—and the greatest misery, lack of opportunity to revenge

\* Mitchell's Aristophanes.

an affront. Such were some of the many leading doctrines of the sophists, which, scattered profusely among the young and thoughtless Athenians, who were destitute of steadiness of principles in consequence of their bad education, were calculated for their ruin and destruction. Physical and metaphysical knowledge was also a particular object of inquiry among the sophists: the most strange speculations interested their imaginations, and the wildest and most fanciful theories were quickly framed by them. The veriest trifles in their eyes were possessed of sufficient importance to occasion long and violent disputations; and, notwithstanding the absurdity of the subject in question, the verbal combat was carried on with pertinacious loquacity. To them may be applied, without the slightest exaggeration or the least deviation from truth, the following observations of the philosophic Plato. "It is as easy to talk with madmen, as it is with them. Their writings have nothing steady in them: all are in a state of perpetual motion. As for a pause in disputation, and interrogation, or a quiet question or answer, it is a chance infinitely less than nothing, that you get such a thing from them. For their minds are in a perpetual state of restlessness; and woe to him that puts a question to them! Instantly comes a flight of enigmatical

little words, like arrows from a quiver; and, if you ask a reason of this assault, the result is another discharge, with merely a change of names. There is no doing any thing with a single one of them: and they are just as untractable among one another; their only concern being, as it should seem, that nothing fixed or stable should appear either in their language or in their minds\*."

Every occurrence, — every appearance in nature; — every phenomenon, — every passion, — every appetite, — every wish engendered in the mind; created dispute, and ended in controversy. "What is God?" asked the philosophers. "He is the most ancient of all things, for he is without beginning, said Thales; — he is air, said Anaximenes; — he is a pure mind, said Anaxagoras; — he is air and mind, said Archelaus; — he is mind in a spherical form, said Democritus; — he is a monad, and the principle of good, said Pythagoras; — he is an eternal circular fire, said Heraclitus; — he is the finite and unmeasurable principle in a spherical form, said Parmenides; — he is one and every thing, said Melissus and

\* Platonis Theætetus.—Mitchell. Having examined all the quotations in Mr. Mitchell's introductory discourse with the originals, I have found them altogether correct, independently of the free and fluent translations in which Mr. M. has clothed the language of his authorities.

Zenon\*.” Thus did these men argue on every subject, and thus did they propound every question, and so satisfactory was the conclusion drawn from their arguments. The universe,—the sun,—the moon,—the stars,—air, earth, water, fire, every object which met their views, or attracted their attention, was a fit subject for speculation. “Our passion for disputation,” says the philosopher already so largely quoted, “upon subjects of this kind, has something in it which is beyond the reach of decay or mortality. No sooner does one of our young men get a taste of it, than he feels delighted, as if he had discovered a treasure of wisdom. Carried away by a pleasure that amounts to madness, he finds a subject of dispute in every thing that occurs. At one time, both sides of the subject are considered and reduced to one. At another, the subject is analyzed and split into parts: himself becomes the first and principal victim of his own doubts and difficulties: his neighbour, whether junior, senior, or equal, no matter which, is the next sufferer; he spares not father, nor mother, nor any one, who will give him the loan of his ears; scarcely animals escape him, and much less his fellow-creatures; even the foreigner has no security, but the want of an interpreter at hand to

\* Mitchell.

go between them \*.” Every one accordingly appears to be incited by disputatious propensities; which, like the plague, had communicated its deadly infection in all quarters. The case of the Athenians may be exactly assimilated to that of Gil Blas. “I was so much in love with dispute,” (quoth the renowned hero of Santillane, while a student at Oviedo), “that I stopped passengers, known or unknown, and proposed arguments to them; and sometimes meeting with Hibernian geniuses, who were very glad of the occasion, it was a good jest to see us dispute: by our extravagant gestures, grimace, contortions, our eyes full of fury, and our mouths full of foam, one would have taken us for bedlamites rather than philosophers.” The sophists may be likened to so many Quixotes, who, armed at all points, traversed the field of contention, ready to combat the first opponent, who was sufficiently presumptuous to cross their path; and, sometimes their senses so far *evaporated*, that they were led astray, like the doughty knight of La Mancha, when he attacked the windmills.

Athens was soon filled with philosophers, and sophistry became the fashion of the day. The noblest youths in the city were proud of swelling the train and retinue of these teachers, who pro-

\* Platonis Phileleus.—MITCHELL.

fessed an intimate acquaintance with every species of knowledge. The philosophical mania became universal. Immense sums of money were squandered away among these retailers of wisdom, who undertook, in the short space of two or three months, to make their pupils as clever, and as well informed, as their right worshipful masters. The example of Pericles had also rendered political eloquence fashionable. The sophists were; therefore, required to teach the Athenians the art of discussion and debate, and consequently of quibbling; and, when engaged in the examination of any question, they heeded little the real situation of the subject, but only endeavoured to make their own positions appear plausible and true. Their pupils, who considered themselves embryo statesmen, and who acted the parts of political coxcombs, early endeavoured to distinguish themselves in the general assembly and in the courts of justice. They have been ridiculed by Aristophanes, in his comedy of the Demagogues; and Mr. Mitchell has given a very spirited translation of the passage.

“ *Demus.* I'll have no speeches in the Agora,  
From those whose chins have not yet budded.

*Agoracritus.* ————— Clisthenes  
And Straton, then, must use despatch, and straight  
Look out another school of oratory.

*Demus.* My meaning rather points to those same sparks,  
For ever haunting the perfumers' shops,  
Who sit and chatter to this tune. Commend me (*mimicking*)  
To Phœax — swinge me! 'tis a man of parts, —  
Vers'd in all school points most divinely; — none  
Takes firmer hold upon his hearer, — split me!  
And then such art in hammering his sentiments;  
So clear, so powerful to sway the passions!  
He'll take them in their highest storms and buffetings,  
And — stop my vitals — lay them in a moment.

*Agoracri.* (*mimicking.*) A rape! a rape! thou'rt gone,  
thou'rt lost, — this phrase maker  
Hath ta'en thy very senses, — split my wind-pipe!"

I must confess that the sketch which I have here attempted of the sophistical philosophy of Greece, has been very crude, irregular, and unsatisfactory: but even from the preceding statements, some slight idea may be formed, which may convince the reader of its evil tendency and demoralizing influence. The progress of sophistry, although it was impossible to have altogether stopped it, still might have been greatly impeded and retarded, had Socrates, Aristotle, and others of standard abilities, lent their kindly assistance. But they, alas! made no resistance, and tamely suffered themselves to be carried along the swiftly rolling stream, unconscious indeed where it might bear them. Although the former declared himself an enemy to the sophists, yet he nevertheless

regularly attended their schools; and, though he professed to do so for the express purpose of combating their doctrines, and exploding their philosophy, still it was for evincing his own knowledge, and for the establishment of his own opinions. He had, moreover, given himself to physical researches, and was devoted to philosophical discussion. He was, in short, the great logomachist of the age. To propose questions, and produce explications; to convince, or be convinced, were, in his opinion, the grand purposes of human life. He was fond of argument, and delighted in confounding the senses of his auditors. He would, after reasoning upon one side of a question, relinquish it; and, taking up the opposite, would himself endeavour to confute his former arguments, and destroy his former propositions. We may be enabled to form a just estimate of the character of Socrates, by considering Cicero's opinion respecting that philosopher, when from him the orator deduces the Academical sect, always arguing, and never deciding: "*Profecta a Socrate, repetita ab Arcesila, confirmata a Carneade.*" And it is well known, that an universal suspension of assent was a leading feature in the doctrines of that school. I say school, because, although there was a difference, inasmuch as those philosophers founded three several academies, the ancient, the middle, and the new; still,

the difference was merely nominal; and the prevailing tenets, throughout the whole, were without any material variance. Socrates is, therefore, to be distinguished for intellectual ingenuity. Subtlety of discussion was in his eyes as important as soundness of judgment, or even clearness of comprehension.

To him succeeded Aristotle, who also sought every opportunity of engaging in argument and controversy. He altered the prose dialogue of Plato, and gave his reasonings that syllogistic form, which only served to render intellectual debate more acrimonious and inveterate, and filled Greece with loud wranglers, and noisy disputants. Each sect was, after that period, engaged in ceaseless contentions. They endeavoured to confute the doctrines of all others, but continued to advance the most absurd and futile positions themselves. The investigation of truth was altogether disregarded, and their only anxiety was to overcome every competitor, who professed hardihood sufficient to appear in the field of contention. The three hundred opinions respecting happiness, maintained by the various philosophical sectaries in Greece, will sufficiently evince the disputatious principle by which they were actuated. "If philosophy," says a writer\*, "con-

\* Maximus Tyrius.

sist in appellations and invention of phrase, in disputatious debate, and sophism, it is not difficult to procure a teacher. Every thing among us is replete with sophistry. It is an advantageous and flourishing profession, as is evident to the understanding of every individual." What, then, could possibly result from such a system of education? Could the promotion of learning, the circulation of the sciences, or the love of the liberal arts? Alas, not so! but, in their stead, scepticism, and ignorance, and falsehood, and profligacy, and every pernicious and deadly evil.

I have endeavoured at some length to state the nature of the Grecian sophistry and its evil tendency, and shall now proceed to the consideration of the Roman rhetoric, which on examination will be found to have been as baleful in its influence as it was pernicious in its consequences. I have before mentioned that the existence of the Roman literature in its full vigour, from the period of Ennius to the time of Quintilian, was scarcely three hundred years. The increasing vices of the ages subsequent to the last-mentioned writer, had enervated the active powers of the mind, and perverted the strength of thought and solidity of judgment for which the Augustan classics have been so justly celebrated. The author of the Dialogue "de Oratoribus" complains of the deterioration and degeneracy of literature in his days; and in his twenty-eighth section has fully de-

scribed the progress of education among the Romans.

Ammianus Marcellinus, the finest and most celebrated writer of the age in which he lived, is himself a sad example of the decline of letters.

In consequence of the peculiar nature of her civil institutions, Oratory quickly became a prominent feature in the Roman education. Nothing appeared to require so much strength and energy of mind, so great talents and capacity, as proficiency in eloquence. Those who will peruse Cicero's Treatise "de Oratore," will be convinced of the truth of the above assertion, for his requisites for an orator surpass human capability to acquire. Even Quintilian urges the necessity of a familiar acquaintance with logic, ethics, natural philosophy, law, history, music, and geometry, before a person could appear in public with any degree of credit. Rome has furnished a long catalogue of persons, who obtained celebrity for their eloquence. But none acquired so much fame as Cicero, who was universally acknowledged by his contemporaries to have surpassed any speaker who had ever appeared in the city. We may, then, form some idea of the great thirst for oratorical reputation among the Romans, when even that great genius, that famous speaker, thus expresses his sentiments: — "*Ita sunt avidæ et capaces mea aures, et semper aliquid immensum infinitumque desiderant.*"

But when the Roman mind was perverted, when it became enervated with luxury and profligacy, it was then totally incapable of evincing that power of intellect, that strength of judgment, that solidity of thought, which are absolutely requisite for the acquisition of oratory in its noble and more elevated condition. Accordingly the orator soon dwindled into the mere rhetorician. Words instead of matter, euphony instead of sense, beautiful cadences instead of plain, forcible expressions, became the great desiderata among the effeminate Romans. Truth gave place to delusion, knowledge to sound, solid reasoning to declamation and bombastical expressions. The substance was gone, but the shadow still remained. This was not, however, the last stage of corruption at which the mind was destined to arrive: but when the Grecian sophistry became combined with the Roman rhetoric, the chalice of mental degradation was replete, even to overflowing. It was as the Upas, which spreads its branches far and wide, casting around a sombre gloom, and the juice whereof is deadly poison; or as the Torpedo, which, when touched, sends an instantaneous numbness through every limb, depriving the body of all power of motion. Literary polemics and intellectual disputations constituted the pleasure of the philosophers. They used high sounding phrases, and empty declamations, without

once considering of language, whereby they might clearly and forcibly convey to the minds of their adversaries the nature of their arguments. The times of Socrates and Protagoras, of Polus and Prodicus, of Gorgias and the Sophists, again revived with all the bitterness and acrimony of contention. The followers of Aristippus maintained the benefits arising from sensual indulgence; and those of Epicurus, atheism and materialism; the followers of Pyrrho inculcated universal doubt; and those of Plato equally argued upon either side of a question: the Peripatetics on every occasion flourished aloft their logical syllogisms; the Stoics endeavoured to prove that perfect indifference to all the concerns of life was the true indication of real wisdom; and the Eclectics strove to unite the discordant opinions of the various sectaries.

The logical and metaphysical works of Ammonius, Plotinus, Iamblichus and Porphyry, and the public edicts penned by Cassiodorus, the prime minister of Theodoric, sufficiently evince the great influence which the love of sophistry and rhetoric had acquired over the public mind. The names which I have just mentioned ranked foremost among the philosophers during the age in which they lived; and if they would be guilty of using such high-flown expressions, such high-sounding phrases, such egotism, such verbosity, and bom-

bastical declamation, as are to be found in their works, we cannot entertain a very high opinion of the intellectual attainments of that age, nor of that people, who could tamely suffer themselves to be deluded by such flimsy ingenuity.

Thus sophisticated rhetoric (if I may be allowed that phrase) became the fashion of the day. Instead of attending to the sense, and endeavouring to find the beauty of expression of the several authors, the Romans only tried to discover the tropes and figures, the investigation of which they made an elaborate study, and gave them, when discovered, the most fantastical denominations. The following are some of the names:—Diozeugmenon, homæoptoton, isocolon, synathoesmus, paradiastole, prosapodasis, anaclassis, polyptoton, epanalepsis, polysyndeton, anancæon, brachyepia, chleuasmus, charientismus, asteismus, diasyrmus, exetheuismus, and many others, too tedious to particularize. The works written upon this subject are nearly as multitudinous. To mention only a few: besides the treatise of Rutilius Rufus concerning the figures of eloquence, there is “Aquila Romanus de Figuris,” and the “*Artis Rhetoricæ Scholicæ*” of Curius Fortunatianus; the “*Institutiones Oratoriæ*” of Sulpitius Victor; and the “*Treatise de Ethopœia ac loco Comuni*,” written by Emporius; and, among many others, the “*Principia Rhetorica*” of Aurelius

Augustinus; the “*Syntomata Rhetorica*,” by Julius Severianus; and the “*De Præexcitamentis Rhetoricæ*,” by Priscian. The influence\* of rhetoric by such means became universal, and a desire of its acquisition was very great and unceasing.

But rhetoric was not confined within the precincts of the empire; it spread its baleful influence even further, and attacked the Gothic nations in Spain, and the Saxons in England. Isidore, in the former country; and in the latter Bede, Alcuin,

\* Walter Mapes was aware of the pernicious consequences resulting from a rhetorical education, and he dealt largely in good-humoured satire. The following is his criticism of the ancient authors:—

“Hic Priscianus est dans palmis verbera;  
Est Aristotelis verberans acra;  
Verborum Tullius demulcet aspera;  
Fert Ptolomeus se totum in sidera;  
Tractat Boetius innumerabilia;  
Metitur Euclides locorum spatia;  
Frequens Pythagoras pulsat febrilia,  
Traxit à malleo vocum primordia;  
Luçanum video ducem bellantium,  
Formantem aerias muscas Virgilium,  
Pascentem fabulis turbas Ovidium;  
Nudantem satiros dicaces Persium;  
Incomparabilis est Statius statio,  
Cujus detinuit res comparatio;  
Saltat Terentius plebeius ystro.”

and more especially Aldhelm, besides the Anglo-Norman monks, are to be distinguished for their sophistry and rhetorical spirit.

Such is a brief sketch of the progress and influence of the Grecian sophistry and Roman rhetoric. We cannot, therefore, be astonished that, under their deteriorating influence, the Grecian and Roman literature should have become weakened, and dwindled into a state of listlessness, dotage, and inanity; that they should have sunk under their own weight; that they should have been rendered incapable of affording improvement or instruction; that they should have been totally disregarded by the barbarian powers that invaded and overturned the fabric of the Roman empire.



ON THE

FEMALE CHARACTER.

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"Oh woman, lovely woman! nature form'd thee  
To temper man: we had been brutes without thee."

*Otway.*

ADDISON has written an admirable paper respecting Salamanders. "They are," says he, "heroines in chastity, that tread upon fire, and live in the midst of flames, without being hurt. They know no distinction of sex in those with whom they converse, — grow familiar with a stranger at first sight, — and are not so narrow-spirited, as to observe, whether the persons they talk to, be in breeches or petticoats." Such is his description of Salamanders, and I am sorry to see a numerous class of the above-mentioned persons holding a situation in English society.

There has of late appeared a prevalent desire of introducing French breeding and French manners into this island. The looseness, the profligacy, and, I may say, the immorality of the

French, are ill suited to the English nation ; but an attempt has been made, and a partial success has been the consequence. .

Young men have been sent over to France for the purpose of finishing their education ; that, by mixing in French society, they may be enabled to soften and ameliorate the native asperity of the English character. Young women, to the shame of their parents be it spoken, have been delivered over to the tuition of French teachers, and sent to the Continent with the like intention. There, even before they have begun to judge for themselves, and form just estimates of men and things, they have beheld, practised, and admired, the manners and breeding of the French nation ; and they have returned to England, *Frenchified* in their notions, habits, and mode of life. I do not here mean to insinuate, that sending them to France is improper ; but only, that they should remain in England until they have arrived at a proper state of maturity, both in body and mind ; and then real improvement would be the consequence of foreign travel\*.

The looseness of manners among the French.

\* “ My Italian master told me, that throughout all Italy, (and it may be added throughout all France), people of good society (*bon ton*) are totally without religion.”—SCOTT'S *Sketches of Manners, &c. in France, Italy, and Switzerland*.

is occasioned by a delusive mode of thinking and reasoning\*. Thus, only to confine myself to the economy of their own habitations; the lady will admit visitors into her bed-room, and go through the whole routine and ceremony of receiving morning calls, before she is out of her bed. She will dress herself behind the curtain, while the gentleman is sitting in the room, and can plainly distinguish her every movement. The women are so far dead to every sense of decency and decorum, — dead to shame, — dead to modesty. The fashion among the French is, that the ladies and gentlemen should not separate after dinner, as among the English: the females remain to take a free and unrestrained share in the conversation. Licentiousness and grossness have no effect in the separation of the sexes. This custom of itself naturally indicates, that the morals are loose and lax, and require some certain modifications; at least, they are not suited for the English, especially boarding-school misses, and boys in their teens.

“The French,” says the late Mr. Scott, in his *Visit to Paris*, “are a clever people, — they are an active people, — they are a gay people; — but they are not deep or sound thinkers, — they do not feel virtuously, or permanently, or kindly, —

\* Vide Scott's *Visit to Paris*.

they have no native relish for the charms of nature, — the shallow sophistications, and theatrical forms of artificial systems, are their favourites, — they can see nothing but simple facts, — they cannot detect causes, consequences, or connexions, — and, what is worst of all, their actions are not indexes to their hearts.”

The greatest ornament in the female character is that modesty and delicacy, which endeavours to avoid the public eye, and is suffused with blushes at the admiration it unwittingly occasions. I would not wish my readers to understand by this, that females should be insensible to applause; but only that a due observance of caution is absolutely necessary. Applause is dangerous, especially to minds which are not rightly attuned: it dazzles the eyes, and stupifies the senses, and ravishes the heart. It may be assimilated to laudanum; a small quantity is useful and serviceable, an over-dose productive of the most fatal consequences.

Some persons, who have imagined themselves in possession of more real philosophy than their neighbours, have, wittily in their own estimations, asked, why should females, who are not aware of having committed any thing wrong, blush? Why should this manifest indication of guilt appear in the countenance, when the thoughts are pure, and the heart innocent? But,

by what argument, by what reasoning, have they arrived at this conclusion? Instead of being the attendant upon guilt, blushing is the companion of innocence: it is alone produced by the

“ *Mens sibi conscia recti.*”

It is the demonstrative feature of sensibility and susceptibility of mind; and, in my humble estimation, when a female, however lovely, ceases to blush, she immediately loses her most powerful attraction.

Instead of this, what is the general behaviour at present observed by females\*? A confident ease,—an unabashed countenance,—a pertness of speech,—an obtrusive familiarity, are universally manifest. Coquetry and flirtation seem, in a great measure, to be the order of the day; and that sterling modesty, which once characterized the women of England, is quickly evaporating. Openness, frankness, and a candid disposition, are real ornaments to the female sex; but even these qualities should be kept within prescribed limits; which, when exceeded, must of necessity offend every liberal-minded man.

“ *Est modus in rebus, sunt certi denique fines,  
Quos ultra citraque nequit consistere rectum.*”

\* This has reference only to the introduction of French fashions.

Men sometimes endeavour to persuade females, that excess in frankness and candour is an utter impossibility. They have even laughed at and praised indelicacy of expression, as betokening the above qualities: but a moment's reflection would immediately point out the fallacy and the gross impropriety of these assertions. However diverted men may appear at the moment, yet, subsequently, such behaviour must raise their thorough contempt. "No man but a brute or a fool," says an elegant writer, "will insult a woman with conversation which he sees gives her pain; nor will he dare to do it if she resent the injury with becoming contempt. There is a dignity in conscious virtue, which is able to awe the most shameless and abandoned of men."

Fulvia is a female, who is neither possessed of beauty, fortune, nor accomplishments, but entertains a great opinion of her own personal attractions. She wears a wig, with curls hanging in rich and clustering luxuriance adown her neck;—has grey eyes and black eyebrows; long, sharp-pointed, and skinny nose; shrivelled cheeks, rusty teeth, and thin chin, between which and the nose there appears to exist so warm a sympathy, that they seem to mourn their separation, and are desperately striving to form a junction; all which, added to a *natural* Grecian stoop to her back, give her a formidable appearance. She is almost

a second Will Wastle's wife, and yet she fancies herself "a person to be loved." This creature is husband-sick, and has endeavoured to entrap several young fellows, who, fortunately for themselves, have escaped her wiles, and withstood her allurements. For a husband she would give any thing. She has thrown herself purposely into the way of several youths, and with some has entered into an epistolary correspondence. She is ever arrayed in all the charms of painted loveliness and of dress; and, like a couching tigress, is ever ready to pounce upon her unsuspecting prey. She has laughed, and romped, and ogled, and coquetted; she has answered sigh with sigh, and look with look; offered her hand to be pressed, and her cheek to be kissed a thousand times; but, poor hapless maiden! every effort has proved unsuccessful. Yet she fancies herself beautiful and accomplished, imagines herself the very pink of politeness, and prides herself on her elegance in dress.

Belinda Nettletop is ever gay and lovely. Her darling object is to inspire every man who beholds her with secret admiration, and inflame his heart with latent love. Her conversation is fascinating, her manners elegant, her disposition (apparently) frank, candid, and generous. A bewitching artlessness appears in every look and every motion; but when she has excited the admiration, and

obtained the love of her victim, then, flushed with conquest, and the satisfaction of having added another name to the extended catalogue of her lovers, she is perfectly satisfied, and turns her attention, and points her attraction towards another object.

“ Simplex munditiis ! Heu, quoties fidem  
 Mutatosque Deos flebit, et aspera  
 Nigris æquora ventis  
 Emirabitur insolens.  
 Qui nunc te fruitur credulus aureâ !  
 Qui semper vacuam, semper amabilem  
 Sperat, nescius auræ  
 Fallacis ? miseri quibus  
 Intentata nites.”

Every theatre, and every street in this large metropolis, exemplify the ravages which men have committed on the fairer portion of the creation. Thousands and thousands have been ruined by having too implicitly relied on the honour of the male sex ; who, having had nothing in view but the mere gratification of sensuality, have committed numberless perjuries and acts of perfidy, and have finally triumphed, leaving their hapless victims in the lowest state of ruin, infamy, and degradation.

“ Trust not a man ; we are by nature false,  
 Dissembling, subtle, cruel, and inconstant ;  
 When a man talks of love, with caution trust him ;  
 But if he swears, he'll certainly deceive thee.”

## MARRIAGE AND CONSTANCY.

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" Felices ter et amplius  
Quos irrupta tenet copula, nec malis  
Divulsus querimonibus,  
Supremâ citius solvet amor die."

*Horace.*

" But women, charming women, prove  
The sweet varieties of love ;  
They can love all, but none too dearly ;  
Their husbands too — but not sincerely.

" They'll love a thing, whose outward shape  
Marks him twin brother to an ape ;  
They'll take a miser, for his riches,  
And wed a beggar without breeches.

" Marry, as if in love with ruin,  
A gamester, to their sure undoing ;  
A drunkard, raving, swearing, storming,  
For the dear pleasure of reforming.

" They'll wed a lord, whose breath shall falter  
Whilst he is crawling from the altar ;  
What is there women will not do,  
When they love man,—and money too ?"

*Cumberland.*

**MARRIAGE** is an engagement entered into between the sexes, and has for its immediate end the propagation of the human species\*. The natural inclination of men and women towards each other occasions the perpetuation of mankind ; which, originating from two individuals, has, after ages, increased to many millions, and covered the face of the habitable globe.

\* Such is Hume's definition of marriage.

Before the period of the organization and establishment of society, man roamed in lawless freedom over the earth\*; swayed by the violence of every passion, obtaining his livelihood by the mere exercise of animal instinct; and, in his commerce with the female sex, guided alone by the dictates of brutal appetite. Regardless of every thing save the gratification of his lustful craving, he seized upon the form that was the fairest to his eyes, and excited his love; and after cohabiting for a space, until satiety had cooled the passion of both, they separated, perhaps never again to meet.

“Quos venerem incertam rapientes more ferarum,  
Viribus editor, cædebat, ut in grege taurus.”

“Like beasts who ravish'd the uncertain dame,  
When, as the stoutest bull commands the rest,  
The weaker by the stronger was oppress.”

The children arising from such a casual intercourse would naturally be ignorant of their fa-

\* “Nam fuit quoddam tempus cum in agris homines passim bestiarum more vagabantur, et sibi victu ferino vitam propagabant; nec ratione animi quidquam, sed pleraque viribus corporis administrabant. Nondum divinæ religionis, non humani officii ratio colebatur: nemo legitimas viderat nuptias: non certos quisquam inspexerat liberas: non jus æquabile quid utilitatis haberet, acceperat. Ita propter errorem, atque inscientiam, cæca ac temeraria dominatrix animi cupiditas, ad se explendam viribus corporis abutebatur, perniciosissimis satellitibus.” — CICERO.

thers; and as they were only acquainted with their mothers, they adopted the appellation of that parent.

This method of promiscuous cohabitation must have been, for many very obvious reasons, extremely pernicious and detrimental to society. The disorders thereby occasioned must have been manifold, and too glaring in their nature, and too important in their consequences, to have escaped the observation of the legislator. Order and regularity, therefore, were early introduced in the commerce of the sexes. Certain restrictions were framed, certain rules laid down, and certain laws propagated, for the restraining the impetuous passions, establishing the rights of nature, providing for the maintenance of children, securing a regular succession of subjects to the state, and ensuring order and peace among society.

The establishment of laws and regulations relating to marriage are to be traced back to the earliest periods of history. The book of Genesis affords many examples of the great regard and veneration entertained by men for institutions of that nature. It was absolutely necessary for the preservation of the human race. Independently of the sacred writings, very many exemplifications are to be adduced from profane history. The Egyptians, the Assyrians, the Chinese, the Greeks, the Persians, and various other nations,

all attribute the regulations relating to the matrimonial union to their oldest sovereigns. Indeed it must have been one of the first objects to have excited the attention, and occupied the vigilance, and engrossed the thoughts of the most ancient legislators. They must naturally have striven, by every means in their power, to have promoted the adoption, and forwarded the encouragement, of this most useful institution; and they denounced the most severe punishments against those who should fail in the performance of the matrimonial vows, and burst asunder the conjugal bands.

Having thus far proceeded in my premises concerning marriage, I shall now descend to speak of particular nations.

On a certain day in every year all the marriageable virgins in Assyria were collected into one spot. The attendance of the public crier was then desired, who was commanded to put each individual up to sale, one after another, in regular rotation. Those whom nature had blessed with a beautiful face and handsome person, in consequence of the competition excited among the buyers,—something similar to what we see in our sale rooms when a beautiful collection of china is put up by the auctioneer—were sure to bring extravagant prices. The sums received for those *lots* were reserved as a portion for all those to whom nature had not been so partial and

bountiful. They were then again presented by the crier to the public inspection, who demanded to be informed if any individual present would take such a damsel with such a sum. Here, then, again was a competition, to know who would take her for the lowest sum\*. In consequence of this most wise and sagacious plan, all the maidens in the country were provided with husbands. And I think it is Pomponius Mela who gives us instances of the adoption of this measure in other countries.

Menes, the first supposed sovereign of Egypt, is reported to have established the laws relating to marriage. Among this people there is a material variance observable respecting matrimony: whereas it was almost the universal custom in other countries for the husband to purchase his wife; here the father gave his daughter a portion

\* This reminds me of the measures resorted to in some of the country parishes in England, with respect to marriages. When a young fellow has been too intimate with a girl, and she evinces signs of pregnancy, it has been usual to give him a few guineas as a *douceur*, in order to persuade him to marry her. I was present at a marriage of this description, when the sum agreed upon was two guineas. When the clergyman proposed to him the question, "Wilt thou have this woman for thy wedded wife?" he answered, with great readiness, "Not before I get my two guineas." Nor could they obtain the proper response until the cash was bona fide paid to him.

adequate to his rank and condition. Polygamy was strictly forbidden by the law; and adultery punished with the most unrelenting severity. The man, when found guilty of that heinous crime, received a thousand stripes; and the woman was doomed to lose her nose, as a palpable and a lasting mark of disgrace. Helius, the son of Vulcan, is said to have been the author of the last-mentioned law.

During the period of the Helleni, and the barbarous and wandering tribes in Greece, who are supposed to have been the first inhabitants of that country, society existed in its extremest state of ferocity. No bounds were prescribed to the passions, no laws were framed to check the lustful appetites: accordingly intermixture with the female sex was free and unrestrained. But when Cecrops, with his colony, landed in Greece, he beheld the barbarism of the Aborigines, induced them to relinquish their savage manner of living, to congregate together, to build towns, and finally to adopt the laws concerning marriage which he framed and propagated. He quickly convinced them that a proper and decorous conjunction of the sexes was beneficial to society, and that polygamy was injurious and detrimental to the commonwealth. The Greeks, subsequently to this period, became so scrupulous in their observance,

of the matrimonial regulation, and so attached to conjugal union with one\* individual, that for upwards of two hundred and thirty years after the reign of Cecrops, widows would never contract a second marriage. The name of her who, regardless of this custom, married a second husband, has been given us by the mythologists. Gorgophone, the daughter of Perseus and Andromeda, after the death of her first husband, Perieres, King of Messenia, re-entered the matrimonial condition, by marrying Œbalus, King of Sparta. This circumstance has been mentioned both by Pausanias and Apollodorus.

In Greece, whoever was desirous of entering the marriage state, was compelled to purchase his wife, by services which he did, or presents which he made, to the father. The consent of the girl was entirely out of the question. The parents of the children managed all these concerns, in which

\* Though the general acception of the term marriage was conceived to be the union of one man with one woman, yet we have some few instances of polygamy in Greece. When Herodotus mentions Anaxandrides, King of Sparta, as having two wives, he qualifies it by saying that the custom was not tolerated in the country. In this the other Grecian cities coincided with the Lacedæmonians; but even among them there are to be found some exceptions; as, for instance, when the greater part of the men in any state had been destroyed by war, or other contingencies, polygamy was allowed, for the purpose of replenishing the number of males.

O .

the latter had no manner of influence\* whatsoever. Thus Simo, in the "Andrian" of Terence, speaks after this fashion:—

"Hac famâ impulsus Chremes  
 Ultro ad me venit, unicam gnatam suam  
 Cum dote summâ filio uxorem ut daret;  
 Placuit; despondi; hic nuptiis dictus est dies."

Laws were established to compel the men to marry at a particular age; and those who failed in their due observance of this regulation, were punished with the utmost severity. Thus in Sparta, whoever had not entered the connubial state by the prescribed time, were compelled at a certain season to run round the forum in a state of nudity, and sing a song which excited the laughter, the jeers, and the ridicule of the populace. They were also excluded from beholding the contests of the virgins. The marriageable state of the virgins was when they had completed their fifteenth year; but men might re-marry at any age. Aristophanes has made allusion to this in

\* Euripides thus makes Hermione speak:—

"Νυμφευμάτων μεντων ἡμῶν πατὴρ ἡμῶς  
 Μίριμναν ἔξει, κοῦκ ἡμὸν φρονεῖν τάδε."

Females were on no account allowed to marry without the consent of their parents. Thus Hero tells Leander:—

"Ἀμφαδὸν οὐ δυναμίσθα γάμοις ἰσίοισι πελάσσαι,  
 Οὐ γὰρ ἡμεῖς ταχέουσιν ἐπυαδεν."

one of his comedies, where he makes Lysistrate complain of the hard lot of the females, who, if not united in wedlock by a particular period, were obliged to spend their days in celibacy.

It was considered most honourable in Greece to be the father of a numerous family. Thus Plutarch has denominated Pelops the most powerful monarch among his contemporaries; not only on account of his wealth, and the extent of his empire, but more especially on account of the number of his children. Thus, for the same reasons, was Priam considered among the ancient writers as one of the happiest of mortals. To be destitute of children, was considered by that people one of the severest calamities of human life. Females who died in their virgin state were supposed to have experienced an unhappy lot. Herodotus informs us that Polycrates, King of Samos, being invited to a conference by Orates, governor of Sardis, was desirous of complying with the request. The daughter of the Samian monarch, in consequence of some dreams pre-saging misfortunes from the journey, endeavoured to dissuade her father from undertaking it. Polycrates, angry at the remonstrances of his daughter, threatened, by way of punishment, to make her lead a life of celibacy, if he returned in safety; but she, still undaunted by his menaces, persisted in her entreaties, preferring the disgrace

of a single life to the loss of her father. But he, stubborn to his resolution, proceeded to the city of Magnesia on the Mæander, and was shamefully murdered by the envious viceroy. And Electra thus bewails her unmarried and childless fate:—

“Ὀλβιος, ὃν ἄ κλεινα  
Γᾶ ποτὶ Μυκηναίων  
Δίξεται εὐπατρίδα, Διος εὐφροσι  
βήματι μολόντα τάνδε γᾶν  
Ὁρίσταν, ὃν ἔγωγ’ ἀπάματα  
Προσμένους, ἄτεκνος,  
Ταλαίᾳ ἀνύμφευτος αἰὲν οἶχγῶ,  
Δάκρυσι μυδαλέα, τῶν ἀνήντων  
Οὔτεν ἔχουσα κακῶν.”

The Grecians were forbidden to marry any relation in a direct line, but the restriction was not extended to those who were allied collaterally. The Persians, on the contrary, paid no regard whatsoever to consanguinity, but allowed incestuous connexions of any kind. Hence the following lines of Catullus:—

“Nascitur Magus ex Gelli matrisque nefando  
Conjugio, et discat Persicum aruspicum:  
Nam Magus ex matre et gnato gignatur oportet,  
Si vera est Persarum impia religio.”

Marriages among the Romans were contracted in three several ways; and thence denominated *usus*, *confarreatio*, and *coemptio*.

The marriage by the *usus* was, when a female,

with the consent and approbation of her parents, guardians, and relations, lived with a man for one whole year, without absenting herself three nights from his bed. By so doing, she became his wife to all intents and purposes. But if she, by any means, absented herself for that space of time, the prescription was interrupted, and the conjugal union was prevented: "*Usurpatio est enim usucapionis interruptio.*"

*Confarreatio* was, when the male and female were united in wedlock by the Pontifex Maximus before ten witnesses; by observing a certain religious ceremony, in which eating the panis farreus, and sacrificing a sheep, were the most important parts.

The *coemptio* was a mutual purchase, when by each delivering a piece of money to the other, and repeating a set form of words, the man and woman became husband and wife.

Some writers have imagined, that the *coemptio* was only a preliminary measure to the *confarreatio*; but, however that may be, certain it is, that the latter ceremony, in course of time, fell into disuse; hence Cicero has only mentioned two forms, the *usus* and *coemptio*.

Polygamy was forbidden by the Roman law, and the age of marriage was for males, fourteen; and females, twelve. As heavy penalties were denounced against all such as should lead a life

of celibacy, the infants were espoused as early as possible, in order to escape incurring the severity of the law, which in such cases was unrelenting.

In all barbarous societies, the power enjoyed by the father of the family is very great, and oftentimes unlimited; but, as men increase in civilization, this power materially lessens. Among the Romans, however, as well as most other nations of the ancient world, parents could dispose of their children in marriage to whomsoever they pleased; and this custom appears to have been but a slight remnant of the boundless\* power once reposed in their hands. Through custom this same privilege exists in the present day over a great portion of the Continent, and almost invariably throughout the East.

Among the ancient Britons a custom existed, which is not to be heard of in any other country, — I mean their communities of wives. A number of men, sometimes amounting to twelve, and sometimes even more, had a multitude of wives in common among themselves. The children arising from this general cohabitation, were reared by the society.

\* Fathers, according to the most ancient laws of the Republic, could not only demand the services of their children in any way they pleased; but they could inflict upon them corporal chastisement, imprison them, sell them, and even put them to death.

When a Chinese enters into a married state, he does so upon a mere adventure. He knows nothing of the female, whom he demands in wedlock; but only what he has heard from some woman, who is related to the family with which he wishes to contract the matrimonial connexion. The same person who acts the part of informer, also undertakes the task of match-maker, and determines the amount of the sum which is to be paid by the husband to the parents, as the purchase-money of the bride: for, in this country, the father enjoys the privilege of compelling his children to marry whomsoever he pleases, and very often betroths the child even while just emerging from infancy. If, however, after the marriage the husband can prove that the description given him was false, or that he has in any way been deceived, he can easily obtain a divorce. On the day appointed for the marriage, the bride is placed in a close palanquin, and carried with great pomp and parade to the husband's house; who, richly dressed and all impatient, is waiting at the gate. Immediately on the arrival of the party, the key of the chair is put into his hands; he opens the door full of anxiety and apprehension, and at one glance learns his fate.

Parents, in Hindostan, generally agree when their children are infants, to join them in marriage when they arrive at a becoming age. Or,

what is still more common, and of daily occurrence, the father employs a personage denominated a ghutuku, to obtain a suitable and proper match for his son or daughter. In fact, it is a most rare and wonderful occurrence, if in this country, a young man, upon his first marriage, has a partner of his own choosing; but with a female this never happens by any chance whatsoever. There is no fixed age for marriage, but every thing depends upon the will and pleasure of the parents. Sometimes the ghutukus propose marriages to the father before ever such an idea has entered into his head. The matrimonial alliances oftentimes take place when the parties are eight years of age, sometimes ten, and sometimes twelve or fourteen: but first marriages, if the parties hold any rank in society, seldom take place later.

These early alliances are productive of the most fatal and pernicious consequences. The parties inseparably joined together when young, without any previous acquaintance,—without the least affection,—and at an age when the dispositions are unsettled, changing, and varying every day, cannot be supposed to lead a happy life. Disgusted with their conjugal union, the husband and wife form illicit alliances. To such an extent has this been carried, that it has been asserted by a late writer, that three-fourths

of the native population of Bengal keep concubines. A number of the females, who are too young upon their marriage to leave the houses of their parents, lose their husbands, and become widows in the very bloom of their youth. Forbidden by the strict letter of the law from forming a second matrimonial alliance, they almost universally become prostitutes; and, though belonging to the first families in the country, live in a continual state of moral depravity.

But, it may be asked, are the marriages of the present day productive of more happy consequences? We blame the custom adopted by the ancients and our ancestors, and to this day prevalent over a great portion of the Continent and in the East; and the reason alleged is, that the freedom of choice is by that measure totally denied. True, it is denied, — and true also, that the system is faulty; but while we censure and condemn others, let us not arrogate to ourselves more merit than we really deserve.

It must be apparent and evident to every individual, who has given the matter one moment's reflection, that most English marriages are founded on folly and avarice. Whenever a person hears that his friend is to be married, the first question which he proposes is, whether the girl be possessed of money? The same with the

female sex. Thus interest bears the general sway, and love submissively retires to a secondary situation. Is there, then, the least probability, that real attachment can, in this situation of circumstances, have an existence? It is an utter impossibility.

The merits of every young man are, in the eyes of the world, proportioned either to his rank in society, or the degree of his annual income; and according to these is his reception in society. His riches are thus made the gauge of his actions; and however inconsistent may be the general line of his conduct, still, whichever way he turns, he meets with incessant flattery, and unremitting attention. His faults are overlooked, and his foibles forgotten. He is the general theme of conversation. At him are all the glances of the fond mother and the enamoured daughter directed: and, though he be the veriest block-head alive, still is he the star of universal attraction. Whoever proceeds to the most extravagant length in this idolatry, — whoever will crouch lowest, and offer the greatest portion of flattery, will certainly attain the greatest ascendancy over him. Of this they will naturally take advantage. The young Midas will finally get inveigled into a marriage with some girl whom he had not seen above twice or three times; but to whom he has

been persuaded he is desperately attached, because he may have shown her the common civilities of gallantry.

“ Perhaps a cold respect they both may show,  
As impious men to a kind dæmon do ;  
Who, when some skulking wealth he does unfold,  
Honour and dread him for their new found gold.”

All that I have just said is generally applicable to both sexes.

From the connexion which I have described, is it possible that happiness can result? After the lapse of a few weeks, or perhaps months, satiety will produce mutual coolness and neglect.

“ But view ! unrobe the bosom of disguise !  
Observe the strange aversion of their eyes !  
With palpitations of regret they twine,  
Like oil and water their false loves combine.”

Disgust and aversion will naturally follow, which, on account of the difference of disposition, and the sense of having mutually received injuries, every day will rapidly increase.

“ *Crescit indulgens sibi dirus hydrops,*  
*Nec sitim pellit, nisi causa morbi,*  
*Fugerit venis, et aquosus albo*  
*Corpore languor.”*

Each, tired of the union, looks around for an object more suited to his or her attachment, and,

regardless of the sanctity of the marriage vow, immediately plunges into guilt, by overstepping the limits prescribed by the seventh commandment.

The Moravians entertain the opinion, that choice does not constitute matrimonial felicity. Their marriages, therefore, are made by lot; and they affirm that subsequent happiness is without exception the consequence of such alliances\*. But this measure, which that people adopt from simplicity and devoutness of heart, would never suit the refinement of the present age.

Julia was a lovely girl; young, artless, and innocent, she was the object of general admiration and universal attraction. She had spent all her days in the country, and was pure and uncontaminated with the vices and follies of polished life. Her eyes had never been taught to deceive;

\*“Hasty as these marriages are, they are never known to be attended with unhappiness; for, being taught from their earliest infancy to keep those passions under control which occasion so much mischief amongst the mass of mankind; being inured to regular habits of industry, and to a quiet sober life; and being in their peaceable and retired settlements out of the reach of those temptations which persons are exposed to, who launch forth into the busy world, and who mingle with the multitude, the parties meet with nought through life to interrupt their domestic repose.”—WILD’s *Travels in America*, Letter 37th, containing an Account of the Moravian Settlement at Bethlehem.

her actions purely flowed from her sentiments; and her language was the language of the heart. She was dotingly attached to her parents, who had squandered away a large fortune in the metropolis, and had been by necessity compelled to retire into the country, where, with rigid economy, they were enabled to subsist on the remnant of their once considerable property. But in their retirement, notwithstanding the treasure which they possessed in their daughter, they still sighed for the gaiety, the pleasure, the pomp, and parade to which they had been accustomed, and which they had so unwillingly relinquished. But an opportunity presented itself, whereby they might return to the society which they loved, and they seized it with avidity, though by that measure they for ever destroyed the happiness of their only child.

P—— was a colonel in the East India Company's service, and had, after thirty years' hard labour, amassed an immense fortune. At the age of sixty he returned to his native country, with the loss of health, and a ruined constitution. He happened to behold the lovely Julia; and though between sixty and eighteen there is a material difference, still he demanded her in marriage, and offered to settle a comfortable independence upon her parents. The offer was too glaring, too inviting, and resistance was impos-

sible. In vain the poor girl urged the want of affection; in vain she represented the disparity of years, and the difference in dispositions; the unfeeling parents were peremptory in hastening the marriage, telling their only child that it would be the source of their future happiness and aggrandizement. She, who ever was all obedience, could not, when she heard that the happiness of her parents was concerned, in this instance refuse; the die was cast,—she gave her consent,—although aware that sorrow and anguish would be her future portion: and these two hearts, which “did not beat in unison,” were inseparably bound by the holy bands of matrimony. The consequence may be easily imagined. In a few months the husband was satiated; and notwithstanding every attention bestowed upon him by his youthful wife, a coolness became visible in his conduct. Although in the violence of his attachment P—— had offered to the parents a comfortable independence, yet, being of a parsimonious disposition, on cooler reflection he regretted his bargain. This increased his coolness: he remembered he had married a beggar, and his coolness increased to disgust. He withdrew all support from the parents; and with a trifling annuity left Julia,—for ever, to misery and unavailing woe. This was a death-blow to the unhappy wife; but when her very parents chided her for her ingratitude, and

accused her as being the source of their poverty, the measure of her wretchedness was full. She never smiled again; peace and happiness had departed from her bosom, never more to return; and lingering on for a few months in a state of perfect inanimation, she quitted this transitory scene, and died of a broken heart.

“She died — yet scarcely can we call it death,  
When Heaven so gently draws the parting breath;  
She was translated to a finer sphere;  
For what could match, or make her happy here!”

There is a species of men, from their profession properly styled fortune-hunters, who never fail to inquire after all the rich heiresses in the metropolis, and make an inventory, containing their names, ages, and the amount of their annual incomes; something similar to that kept by Leporello, containing the names of all those ladies whose favours his worthy master Giovanni had enjoyed. The fortune-hunter, gaily bedecked with all the studied manners, ease, and address of a man of education and fortune, endeavours to obtain an introduction into families of distinction. Having once gained a footing, he tries every art, and attempts every allurements. Neither fatigue, nor labour, nor trouble, deter him from the prosecution of his fondly-cherished object. There is no exertion, no effort, no fawning, which

he does not practise. Assiduous and constant in his attentions,

“ His hopes, like tow’ring falcons, aim  
At objects in an airy height.”

His resolution is desperate; for self-aggrandizement he

“ Would wed a coffin, were the hinges gold.”

Money is his darling object; for it he would gladly prostitute himself, and joyously sacrifice any thing,—every thing. Of such, Sedley has with just indignation drawn a forcible image, when he says,

“ Thus might *he* clasp a loathsome toad in bed,  
Because *it* bears a pearl within its head.”

Sporus, in consequence of official employment, being detained in Ireland, and wanting leisure to procure a wife, wrote a letter to his agent in London, requesting to be furnished with that *article*, with the liberty of charging commission for his trouble, at the rate of five per cent upon his wife’s property. The agent, being conversant in matters of this nature, immediately shipped his own daughter for the market, who had lately acquired ten thousand pounds by the will of her uncle, which was to become a vested interest in her when she attained the age of twenty-one years, or on the day of her marriage.

Clodius has studied the art of fortune-hunting as a science, and even written a treatise upon that subject, which he may be induced to give to the world, for the benefit of such as are of his persuasion. He is of the perfect Gnathonic school :

“ Est genus hominum, qui esse primos se omnium rerum volunt,

Nec sunt : hos confector : hisce ego non paro me ut rideant,  
Sed iis ultro arrideo, et eorum ingenia admiror simul :

Quicquid dicunt, laudo : id rursum si negant, laudo id quoque :

Negat quis ? nego : ait ? aio : postremo imperavi egomet mihi,

Omnia assentari : is quæstus nunc est multo uberrimus.

Or such a one as Shakspeare has thus described :

“ *Polonius*. My lord, the Queen would speak with you, and presently.

*Hamlet*. Do you see yonder cloud, that's almost in shape of a camel ?

*Pol*. By the mass, and 'tis like a camel indeed.

*Ham*. Methinks it is like a weasel ?

*Pol*. It is back'd like a weasel !

*Ham*. Or like a whale ?

*Pol*. Very like a whale.”

I produce these quotations, as they will afford a more perfect idea of the character of this fellow than any thing which I am able to say. He is ever all willingness, all submission, all politeness ;

and he can never commit such a terrible breach in his manners as to give the most trifling contradiction. He happily does not possess the squeamish appetite of Casca, who answered a courteous invitation to dinner, by, "I will come if the dinner be worth the eating, and the company agreeable:" but provided Clodius receives an invitation, whether the repast consists of venison and claret, or sheep's head and small beer, to him is altogether immaterial. This fellow actually possessed the barefaced impudence to make in one week three several offers to as many young ladies of considerable expectations; and though on each application he received refusals, he still continues in his career of glory, undaunted, and unabashed.

The system of fortune-hunting has at length arrived at such perfection, that its followers in the most barefaced manner have recourse to newspaper \* advertisements. These advertisements are

\* The following advertisement lately appeared in the Louisiana Gazette :—"A young man, of good figure and disposition, unable, though desirous to procure a wife, without the preliminary trouble of amassing a fortune, proposes the following expedient to attain the object of his wishes. He offers himself as the prize of a lottery to all widows and virgins under thirty-two. The number of tickets to be six hundred, at fifty dollars each: but one number is to be drawn from the wheel, the fortunate proprietor of which is to be entitled to himself and the 30,000 dollars."

generally drawn up in a cautious and underhanded manner, so that the thoughtless are easily liable to be deceived. But those gentry, after expatiating upon the properties of a good housewife, and asserting that money is not so much their object as a gentle and loving partner for life, generally contrive to introduce the words "settled income" towards the conclusion of the paragraph. The hook is generally thus baited for such females as have passed the blooming sunshine of their spring, and are somewhat apprehensive of being compelled to travel through life in maiden pilgrimage, and dying in single blessedness. But one who is unacquainted with the world would naturally ask, could such measures be productive of success? Could any female be so dead to every sense of honour and shame, and so blind to her own interest, as to suffer herself to be trepanned after this fashion? Alas! it is too true. Answers are returned, a correspondence takes place, an assignation is made, the alliance is formed, and ——— but I will not dwell longer on this disgusting subject.

The next point on which I would make a few observations, is the system of bringing civil actions upon a breach of promise of marriage. I hesitate not to say, that in my humble opinion this is at once derogatory and disgraceful; and

instead of raising sympathy at the treatment experienced by the injured party, it should only excite the contempt of every liberally thinking man. I am not here speaking of special cases; but only treating the matter in a general view. Supposing, then, that a young man has for a considerable period of time paid his addresses to a female; that his proffered suit has been accepted; that the affections of the lady have been unequivocally engaged; and that the parties have mutually considered each other as the fond objects of connubial engagements: that after matters have thus far proceeded, when vows of fidelity have been repeatedly made, the man changes his resolution, and announces his determination of breaking off all intentions of matrimony:—it has been said, that under such circumstances the female should appeal to a jury of her countrymen for a compensation *for damages*. By this measure, though her injuries be of ever so aggravated a nature, she immediately announces to the world the selfishness of her motives. Instead of treating her false lover with just indignation and proud contempt; instead of being thankful to Providence for having escaped the machinations of a worthless scoundrel, and deep designing villain, she immediately flies for protection to the laws of her country, demands a *pecuniary* compensation,

and meanly imagines that *money* will be the *best specific for her wounded spirits*. By this measure she openly proclaims that her affections are marketable, are to be bought and sold; and after she has received the *price of her affections*, her sorrow is quickly converted into joy, her melancholy into laughter; and with high satisfaction she loudly exclaims,

—— “ Again I stand  
The jolliest spinster in the land.”

I have proceeded thus far on this topic, because I am sensible there exist many designing females, whose only object is to entrap unsuspecting youth, and thereby obtain an opportunity of procuring these damages. Every advantage has by such persons been taken of the epistolary effusions and rhapsodical nonsense of the lovelorn boy, who, perhaps just released from scholastic discipline, and unacquainted with life, has mistaken the admiration which he may have experienced at a beautiful face into a manifest indication of the tender passion.

I would now say a few words on constancy after marriage, and then dismiss the subject. If we survey the ranks of nobility, and those moving in an exalted sphere, we shall behold the exercise of the above-mentioned quality very seldom ob-

served. My lord sleeps in one room, my lady in another; my lord storms and rages if his wife, without permission asked and granted, enters his library, his sanctum sanctorum: my lady is indignant if her husband dares to intrude into her boudoir: my lord toys and dangles with his fair ward; my lady has an intrigue with her dear friend the colonel. Such are the scenes every day exhibited in high life. If we survey the manners of the lower orders of society, we shall behold enough to excite our horror and disgust. The man spends his time in ale-houses, drinking and swearing with his pot-companions, until towards morning he manages to stagger home to his disconsolate wife, and hungry, ragged children, in a state of thorough intoxication. The woman is permitted to provide for and satisfy, as she best may, the wants of herself and her numerous family. I do not hesitate to say that matrimonial felicity is generally to be discovered among the middling ranks of life. There, before marriage, each has opportunities of studying the character, manners, and disposition of their future partner; there, each has time for reflection, and there is less precipitation in the formation of the union; there, interest has less sway, because property is less abundant; — and therefore the virtues and qualities of the heart possess greater charms

and attraction. The union of such people is generally productive of real happiness ; and peace and harmony render the journey of life less tiresome and fatiguing.

“ And when at last you close your lives,  
Blameless as they were blessed, may you fall  
Into the grave as softly as the leaves  
Of two sweet roses on an autumn eve,  
Beneath the soft sighs of the western wind,  
Drop to the earth together !”



## LAUGHING AND CRYING

### PHILOSOPHERS.

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*“ Miss Hardcastle. An observer like you, upon life, were, I fear, disagreeably employed, since you have had much more to censure, than to approve.*

*Marlow. Pardon me, madam, I was always willing to be amused: the folly of most people is rather an object of my mirth than uneasiness.”*

*She Stoops to Conquer.*

SINCE the period of the Greeks, philosophy, under some denomination, and upon a more narrow or extensive scale, has influenced every age, and every society. When Homer and Hesiod had composed their beautiful works, and sang them to their admiring countrymen, the Grecians became fond of poetical composition. Then appeared the rhapsodists, whose employment was to sing hymns at the different festivals. These even founded schools of instruction, and gave public lectures upon the elegant art of poetry. After them appeared the philosophers in dreadful array, who spent their time in wrangling and quarrelling about the best method of promoting

human happiness. There were the Ionic and the Italian sects, — the Eleatic and the Socratic; — there was the sect of Aristippus, who, when travelling in the deserts of Africa, with much sagacity ordered his attendants to throw away his baggage and money, as they were only burdensome, and impeded his journey; and then there was the Cynic Diogenes, the bottom of whose tub would not bear too close an inspection. The worthies, of which this right learned genius was a follower, believed that virtue consisted in renouncing all the conveniencies of life. They altogether neglected knowledge, and travelled about the country clothed in rags, which hardly served to conceal their nudity; vainly supposing that this mode of life would, like charity, cover a multitude of sins. Then there was the Megarean sect, who were the happy inventors of the art of quibbling, (of whom the modern lawyers may be descendants; whether lineally or collaterally, I leave to wiser heads than mine to determine); and the Epicureans, who held, that the Deity was totally indifferent to the actions of men, and who stoutly maintained, that the summum bonum consisted in the exercise of every pleasure, and in the commission of every excess; and the infallible followers of Pyrrho, who made no discrimination between virtue and vice, and who

imagined universal doubt to be the acmè of human wisdom.

Such was philosophy among the Greeks, which the Romans cultivated in the schools of Athens. But are the ancients alone to arrogate to themselves the proud distinction of philosophers and sophists? Certainly not: the moderns can also boast of their schools and their sects; and, though the superiority may be on the side of the former, there is certainly some merit due to the latter, for the happy proficiency to which they have brought their doctrines. But, of all the sects existing in the present day, none have arrived at such distinction, and acquired such celebrity, as the Crying and Laughing Philosophers, or the followers of the tenets of Heraclitus and Democritus.

These parties have formed very opposite notions with respect to the dignity of the human character. The Cryers would make men little better than brutes,—they entertain the most mean and contemptible opinion of mankind in general,—they throw out a general condemnation against their species, whom they imagine villainous, treacherous, unfeeling, and inhuman. The Laughers, on the contrary, think their fellows possessed of every thing that is good,—and noble,—and liberal,—and generous:—the dignity of

human nature is ever their favourite subject of conversation,—the theme whereon they love to exercise their eloquence. To the Cryers, “this goodly frame, the earth, seems a steril promontory,—this most excellent canopy, the air,—this brave overhanging firmament,—this majestic roof fretted with golden fire, appears no other thing than a foul and pestilential congregation of vapours. Man delights them not;” but whether the condemnation equally extends to woman, I will not undertake the responsibility of the assertion. If, indeed, an analogy as strongly exists between these amiable gentry and their great prototype Diogenes, in this particular, as in the other traits of their character, we shall not be long in ascertaining their propensity or antipathy in this respect. The Laughers, on the contrary, exclaim, “What a piece of work is man! How noble in reason! how infinite in faculties! in form and moving, how express and admirable! in action, how like an angel! in apprehension, how like a god! the beauty of the world! the paragon of animals!” Thus, therefore, while the Cryers adjudge all mankind guilty, on account of the faults of some few,—the Laughers praise all on account of the good qualities of their particular friends;—and while the former (to use an old simile) imitate the toad,

which gathers poison from the gayest flowers,—the latter are like the bee, which extracts honey from the most deadly herbs\*.

It has long been esteemed an incontrovertible axiom, that human happiness chiefly depends upon the constitution and disposition of every individual. If the mind be rightly attempered, the thoughts must of necessity flow in a certain channel, without any or very trifling deviations; and cheerfulness and gaiety, and *goût* for pleasure, and a relish for enjoyment, must of necessity follow. But when the mind is subject to a delicacy of perception,—when it is too nice in its ideas of perfection, and is loth to make allowances for the frailty and weakness of humanity,—then disgust, and spleen, and moroseness, will naturally be the inevitable consequences. Thus every circumstance in human life will raise the sympathy of the Laughers, and excite the contempt of the Cryers.

I had been strolling one day in St. James's Park, when I approached a man, who was seated upon one of the benches, and who, resting his head upon his hand, was gazing upon the ground, and seemed lost in deep thought. His posture attracted my attention, and, being somewhat fatigued, I sat down near him. He was dressed

\* The very existence of these two classes, however, is sufficient to convince us of the just balance of happiness.

in very plain clothes, but his exterior altogether indicated respectability. Ever and anon he gave a deep sigh, which was succeeded by a short snort; he then shuffled about, as if the hardness of the wood hurt his nether end,—and again resumed his former position. On my hemming pretty loudly, however, he gave a sudden start,—cast round a vacant stare, and on perceiving me, out with,—“a fine morning, Sir.” Having once got him into conversation, I was induced, through curiosity, to continue it, when I discovered the cause of his uneasiness, as he was very free of communication. He informed me, that he had been in business in the country, where by industry he had realized a considerable property: that, induced through curiosity, he had left his native town, where, man and boy, he had lived forty years, and come to take up his residence in the metropolis. “Well, my good friend,” said I, “I dare say you were mightily pleased with the change, after having been so long in the country?” “Not at all,” replied my companion: “at my departure, my friends and relations cautioned me against the tricks and knavery of the Londoners. They advised me to look twice at my money before I parted with it; and, (heaving a deep sigh), I sorely repent I did not follow their advice.” “What!” exclaimed I, “have you had any pecuniary losses?” “Listen, Sir,

and I will inform you. On my arrival in London, an offer was made to me to advance a considerable sum of money, £4,000, upon annuity, for which I was to receive 20 per cent." "Very moderate, indeed," said I. "I thought the offer too tempting to refuse; so I gladly consented. I imagined myself well able to conduct the matter on my part, without the assistance of any professional gentleman, as I should thereby have considerably increased expenses: the consequence is, that I trusted too much to my own knowledge, and have lost my money." "Well, Sir, it was certainly rash on your part not to have taken legal advice." "The law! I hate, detest,—abominate the law,—ever since our village lawyer, old Ferret, cheated me:—besides, I altogether trusted to the honour of the other party. However," he continued, "I have now seen sufficient of life,—I am convinced that mankind are deceitful and villanous; nay, it is my firm opinion, that from the highest nobleman to the meanest beggar there is not one honest person to be found in the metropolis." "These, Sir, are hard expressions." "But, Sir, I am justified in using them. Have I not had a specimen of honesty?" "You would not surely condemn every rank, class, and denomination in society, because you have been duped by a sharper?" "Why, look ye, Sir," said my companion, "human nature is

human nature at the best: hem!—every man is swayed by the same appetites and passions; and if one person can stoop to villany, I see no reason why another should hesitate.” So saying, this erudite philosopher arose, wished me a good morning, and walked away. Thus the opinion of this man was evidently formed upon the *just* principle of “*ex uno disce omnes.*”

Tom Random was one of the happiest fellows that can be imagined: nothing ever gave him trouble, or anxiety, or a moment's uneasiness. Every thing in his eye wore a pleasing and agreeable aspect, either served to raise his mirth, or excite his laughter. The world to him was a theatre, and life a comedy, in which were exhibited the most ridiculous and extravagant scenes. He regularly got drunk four times every week; and his idea was, that intoxication was a necessary ingredient towards raising the animal spirits. Yet Tom, with all these qualities, was a sad rascal. He was overwhelmed with debts,—pursued by hungry creditors,—waylaid in every street by his most obsequious servants, John Doe and Richard Roe, — and yet his spirits were undiminished. He laughed at all his troubles, and, so he could procure a good dinner, he cared for nought besides. I was very lately made acquainted with Tom's character, by a tailor, who had been swindled by this incorrigible rogue:

and the particulars of the transaction, as far as I can recollect, are as follow : — Closefit was one day standing behind his counter, when a handsome young man of a fashionable appearance made his entrance, and accosted the man of cloth in the most familiar manner. “ Closefit, my boy, how are you ? ” was the salutation. “ Really, Sir,” said the obsequious tradesman, “ I have not the pleasure of knowing you ; but what may be your pleasure ? ” “ Not know me ? ” exclaimed the dasher : “ Not know me ? why, every one knows me ; my name is Random, — Tom Random. I am brother to Sir Timothy Random, of ———. Do you know me now, — damme ? ” “ I have the pleasure, Sir, of doing business for your brother, and have been in his employ for many years. How can I serve you ? ” “ You can serve me most materially, Closefit : in the first place, take my measure.” The tailor obeyed, and the Swell ordered clothes to the amount of sixty pounds. “ But,” added he, “ I did not come to you for that alone ; I want you to lend me fifty pounds, for which I will give you my acceptance at two months.” The shopkeeper, to be brief, did so, — and Tom departed. When Closefit, however, sent home the clothes, to his utter dismay he received information that his customer was in the rules of the Bench. Apprehending the loss of his money, the man of business inquired for his lodgings ;

when being introduced into his apartments, and having waited a few minutes, he heard laughing and singing outside the room, and in tumbled Random. "Ah! Closefit, my worthy, how are you? give us your fist,—hope you are well,—sit down,—take a glass of wine." "I want not wine," said the tailor, "but have come to speak about the money, which ——" "Money! egad, good joke! ha, ha, ha! neatly taken in, Closefit,—eh, my boy! not sharp enough for the knowing one." "Sir, I do not understand such language." "Don't understand! ha, ha! laughable enough, faith! Why, the fact is, knowing that I should be obliged to pay the Rules a visit, to make things more comfortable, I borrowed that money of you, my boy,—that's all." "Sir, you are a villain and sharper." "Villain and sharper! I know that, old one;—I'm the man,—the knowing lad;—go to the club-houses,—inquire anywhere,—and you will be informed that my name is at the top of the list of sharpers,—my feats are as well known as the Duke of Wellington's victories." "You are a rascal, Sir, and deserve to be horsewhipped," exclaimed the tailor, losing all patience. "Have a care," replied Tom, "I've been to school;"—and he threw himself into an attitude of defence. Suddenly he sprung up, and shoving the tailor out of the room, bolted the door, and burst into

a loud fit of laughter. Closet, on further inquiry, found that his brother was dead, and had, by his will, left Tom one shilling a day during his life, merely to keep him from starving; having bequeathed the remainder of his large property to a distant relation.

Will sullenness of temper, or moroseness of disposition, lighten the evils of life, or ward off the misfortunes to which human nature is subject? Will sorrow mend our troubles, or alleviate our sufferings? On the contrary, it only blunts a man's natural faculties; absorbs, if I may be allowed the expression, all the power and energy of the mind. What man ever passed through life without meeting with misery, and troubles, and misfortunes? When was the cup of human bliss ever found to contain sweets unmixed with some portion of bitterness? When Darius, the King of Persia, was giving himself up to all the extravagancies of grief, for the loss of his dear child; the Cynic Diogenes informed the mighty monarch, that if he could discover, in his dominions, three men, who had passed through life unassailed by calamities, he would recal his beloved daughter from the grave. The search proved unsuccessful, and Darius was convinced of the futility of his violent sorrow. Is it not, then, better to meet the ills of life with cheerfulness, — to laugh at daily vexations, — and thank our

happy fate that the calamities which we have endured are not more severe? Is it not more manly to meet the enemy midway, to endeavour to ward off the assault? and, though we suffer a defeat, the greater will be our glory. Is it not more noble to exert ourselves in amending our situation, than to suffer the storm to spend all its rage and fury over our exposed heads, while we are loitering away every precious moment in sorrow and mourning? To weep under calamities may be imagined an indication of sensibility of mind; and merriment under the same circumstances, may be supposed the sure and certain sign of an unfeeling and dissolute heart. But every person should follow the dictates of his own reason; and, if assured that happiness is dependent on constitution and disposition, he should not suffer the world to dictate to him the measures which he should adopt in ensuring his own felicity. The Cardinal de Retz will furnish an example of merriment, under circumstances of trouble and difficulty: being a man of gallantry, when one lady was cruel to his suit, he consoled himself with a fresh flame; imitating, in this, the example of the gallant Sir Thurio, who could exclaim,

“ Sir Valentine, I care not for her,—not I;  
I hold him but a fool that will endanger  
His body for a girl that loves him not.  
I claim her not, and, therefore, she is thine !”

And when in the power of his bitterest enemy, the Cardinal Mazarine, and closely confined in the castle of Valenciennes; though denied every pleasure, and cut off from every amusement; though exposed to impertinence and insolence, he laughed at his own difficulties and perplexities, and ridiculed the malice of his persecutors.

That happiness results from constitution and disposition, we have proofs in every quarter. What life is more hard and difficult, and exposed to danger the most appalling, than the life of a smuggler? And what people, after they have landed their cargoes, and eluded the laws of their country, spend their time in greater merriment and unconcern? Consider the painful life of the Italian fisherman, who spends half his time immersed in water, and subject to all the dangers of the deep; and yet who is more happy? Even our very coalheavers are fit to instruct us in the art of merriment.



## MODERN MOURNING.

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"*Pallida Mors æquo pulsat pede pauperum tabernas  
Regumque turres.*"—*Horace.*

"With equal pace impartial Fate  
Knocks at the palace, as the cottage gate."—*Franch.*

IN the above quotation Horace inculcates a severe moral truth; but the figure is by no means equal to the dignity, or perhaps the awfulness of the subject. Malherbe, on the contrary, has quite surpassed the Roman poet, as he has expressed the same idea with a great degree of strength and pathos.

"Le pauvre en sa cabane, où le chaume le couvre,  
Est sujet à ses loix ;  
Et la garde qui veille aux barrières du Louvre,  
N'en défend pas nos rois."

The amplification of the simple "*regumque turres*" into "*la garde*," &c. is at once beautifully striking and sublime, and the imitation evidently far surpasses the original.

Death, then, is the universal doom. Its empire equally extends over every sex, class, and denomination; its summons requires immediate attendance, and its edict is irrevocable. The infant at

the mother's breast,—the youth bedecked with all the smiles of beauty, and all the promise of future strength and maturity,—the man in the fulness of health and confidence,—sufficiently testify the uncertainty of human existence. We daily behold the grandest projects defeated, the most glorious designs frustrated, the fondest hopes blasted, and the earthly career of multitudes cut off in the very sunshine of their days: and the period will come when the gay, the laughter-loving, the proud, the licentious, the extravagant, as well as the humble, the meek, the lowly, the injured, and the oppressed, will be laid low in the grave;—will be forgotten, even as the path of the vessel is known by the track which she leaves behind; but when that closes up, all knowledge of her career is lost—for ever!

Death, then, is a fit subject for meditation. It not only deepens the pensiveness of the philosophic mind, but renders more interesting the tragic page. In the palace and in the cottage,—in the hall of festivity, and in the dwelling of misery and wretchedness,—in the public haunts and in the prison-house,—it is the oft recurring object,—and, under every circumstance, tends to a conviction of the fragility of human existence.

The grave is the test of the truth of affection; it is the ordeal to try the sincerity of our pro-

testations, and the fervency of our attachment; it is the gauge wherewith to measure the real depth of our love and our devotion. When the object has been laid in the tomb; when all that was fair and smiling, lovely and blooming, has faded away, become food for worms, or mouldered into a handful of ashes, interest no longer influences the actions, nor is the form present to refresh the recollection; every thing is trusted to memory, and it is soon manifest whether the soul in reality cherishes a fond regard, or indicates a perfect indifference for the departed.

There is something so pleasing, so delightful to the soul, though certainly tinctured with a portion of melancholy; — so alleviating, so soothing, so consolatory, in sorrow for the dead, that the survivor would in nowise forego it. See the mother, whose infant has perished, — as the sweetly budding rose which by some rude hand has been rent from its parent stem, — how she indulges in daily grief! And would she forget her bereavement; would she willingly drown all recollection of her loss? Not for the wealth of worlds! Though the thought be attended with the bitterness of sorrow, — though the remembrance wring her heart with the keenest anguish, — though all the horrors of the death scene, when the object of her fondest hopes, and her most anxious wishes, lay a cold and lifeless corpse

before her eyes, arise to her fancy, — though every thought be a pang, and every pang attended with a flood of tears, — yet she revels in all the luxury of recollection! See the heart-rending despair, the deep affliction of the youth, who has attended the mortal remains of her he most loved; of her, whose smile never failed to awaken delight in his bosom, and whose look was sufficient to dispel every cloud from his brow — to its last tenement. Would he accept the consolation which oblivion imparts? Let him who has experienced that misery, and encountered that misfortune, — let him return an answer, for he best can tell!

But it is astonishing how oftentimes the human mind can be perverted, how the feelings can be benumbed, and the senses chilled. It is surprising how quickly at times the heart can be hardened, how soon it can become incapable of sympathy, and callous to misery and wretchedness. This may, indeed, be attributed to custom and habit, to daily intercourse with the world; and, consequently, I may be justified in saying, to experience. The grave-digger, when in the very act of his occupation, when surrounded with the signs of mortality, when throwing up bones and ashes, and when on every tomb-stone around him he beholds the death's-head and hour-glass, — can even laugh and joke, and sing of love.

“ In youth, when I did love, did love,  
Methought it was very strange!”

And well might the sensitive mind of Hamlet ask the occasion of the grave-digger's merriment :

“ *Hamlet.* Has this fellow no feeling of his business? he sings at grave-making!

*Horatio.* Custom hath made it in him a property of easiness.

*Ham.* 'Tis e'en so: the hand of little employment hath the daintier sense.”

This may be exemplified in ourselves. With what coolness do we gaze upon a funeral procession in the streets! The sight does not excite one serious or solemn thought. We cast upon it a listless look, pass it with the most perfect indifference, and it is lost to us for ever! But the attendants are in a degree worse than the passengers. The mutes laugh, and talk, and whistle; the undertaker smiles with great self-satisfaction, as he is mentally calculating the profits of the job; the thoughts of the hearse-driver are engaged upon his sweetheart; and the mourners, with much deliberation, are speaking of the rumoured change in the ministry, the last government loan, or the latest intelligence from Turkey, Russia, and Greece.

Turn we from this to survey the death chamber, and a sight no less surprising and extraordinary will meet our view. The husband, an old

East Indian, who had with patient industry amassed a princely fortune, and who, on his return to his native country, married a young woman, has scarcely breathed his last, when every corner is ransacked for the Will. It is at length found; when one offers his services as reader-general, and is immediately encircled by a gaping body of relatives, old and young, male and female, nephews and nieces, grandchildren and great-grandchildren, and cousins even to the tenth degree. The widow, who is secure of the bulk of his property, in the meantime is quietly sitting in the corner, attended by her dear Captain, to whom she has already given her consent, as the courtship was carried on during the husband's indisposition, and the offer made on the very morning that he breathed his last. One of her eyes is laughing with secret pleasure, while from the other she is endeavouring to squeeze a crocodile's tear. In every other face keen expectation and earnest hope are visibly depicted; and while the Will is being perused, you can see the success which each individual has experienced. While cousin Sue has (after she heard of a bequest of five hundred pounds to herself) burst into a flood of tears, attaching a string of the most endearing epithets to the name of the deceased, Charles and Simon are congratulating each other upon their good fortune; and Polly and Dicky are

rushing out in a violent passion, cursing the old miserly dog, who could die without leaving them a single sixpence, for the many attentions which they had paid him, and the many inquiries which they had made after him during the period of his illness.

Miss Lucy Draggletail is waiting — how patiently, may possibly be imagined — for the death of her old aunt Stubbins, before her passion for her dear George, who is nothing loth to wait, provided he can touch the *tocher*, “can be crowned with the flowers of Hymen’s yellow garland.”

The Honourable Mr. B—— has run through two considerable fortunes; has been altogether imprudent, inconsiderate, and extravagant; but now he is obliged to pull in his horns, put down his chariot and curricie, dismiss his retinue of servants, sell his house, furniture, and plate, his stud of horses, and his pack of hounds; retire with his lady to rusticate in the country, until the death of an old uncle, for which he prays night and day, shall enable him to move with his wonted degree of *éclat* in the circles of fashion.

Walking down St. James’s Street a few days ago, I met my old fellow-collegian, young Wilding. When at Oriel he was a sad incorrigible dog, thoughtless and extravagant, over head and ears in debt, and generally without a penny

in his pocket. He was the same in exterior; and I much doubted whether time and experience had instilled into his head the smallest grain of prudence and economy. He was dressed in a suit of mourning; and upon inquiring the occasion of that garb of woe, I was informed it was on account of his father's death. I had no sooner received this intelligence, than he was accosted by an elderly gentleman, who I remembered was one of the father's oldest friends, and understood, from their conversation, had been appointed one of the executors. "Sad loss!" said the stranger, after some minutes' conversation. "Sad loss, indeed!" echoed young Wilding, turning up his eyes like a dying magpie, and heaving a deep sigh. "Sad loss, indeed, sir! so kind, so generous, so affectionate! so every thing that a father should be! But he has paid the debt of nature;—he has gone, and left me behind, to mourn his loss!" and he drew his hands across his eyes. "Your father, young man," replied the other, "was a good man, a kind man, a moral man, a religious man, a careful man, — one who always kept an eye to the main chance, — that's the only way to succeed in the world now-a-days! but I am happy to see he has left behind a son so affectionate, — a son who is aware of the father's worth, — who is sensible of the loss which he has sustained, — and who, I hope, will imitate his example!" — "I do

feel his loss," exclaimed the young man, placing his hand to his heart; and he said much more to the following purport:—

" 'Tis not alone my inky cloak, good mother,  
Nor the dejected 'haviour of the visage,  
No! nor the fruitful river in the eye,  
Together with all forms, modes, shows of grief,  
That can denote me truly: these, indeed, seem,  
For they are actions that a man might play;  
But I have that within—that passeth show!"

Our companion, however, had no sooner left us, than Wilding burst out into a loud fit of laughter. "There he goes," exclaimed he, "there he goes, a damn'd old scurvy rascal! he and my old dad did well to go hand in hand,—to lay their plans and scrape up cash together;—but the old fellow is one of the executors, and I must keep up appearances!" "Well, Jack," said I, "I hope you have now got a comfortable independence, sowed your wild oats, and turned a sober steady fellow!" Another loud laugh burst forth from my companion. "Why, on that point," said Jack, "I cannot say much; but go with me to the Opera to-night, and I'll convince you. The old gentleman has gone at last,—rest his soul,—though he was tough to the last,—and I have popt into his fortune;—the scrapings of fifty years,—sixty thousand pounds, my boy, ha, ha, ha! How dad would stare if he saw in what

manner his dear boy Jack was spending his cash! I verily believe he wanted to take his money with him; for even in his last moments he held fast the keys of his money-chest; nor would he relinquish his hold, till he was dead, ha, ha, ha! Come and call upon me, — happy to see you or any other friend, — live at the Albany, — ha, ha, ha! Good bye, — for there goes one of my sweet birds!" pointing to a fashionably dressed female on the other side, to whom he ran across, took her arm, and walked off in triumph.

THE END.

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